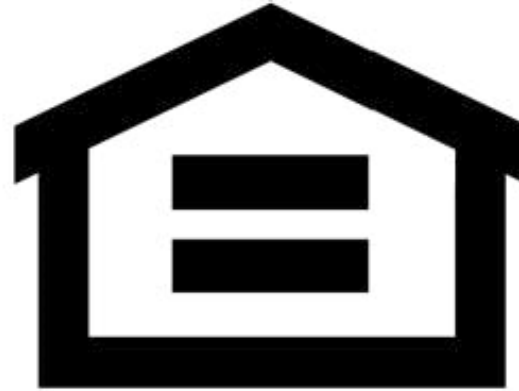




Housing Justice For All

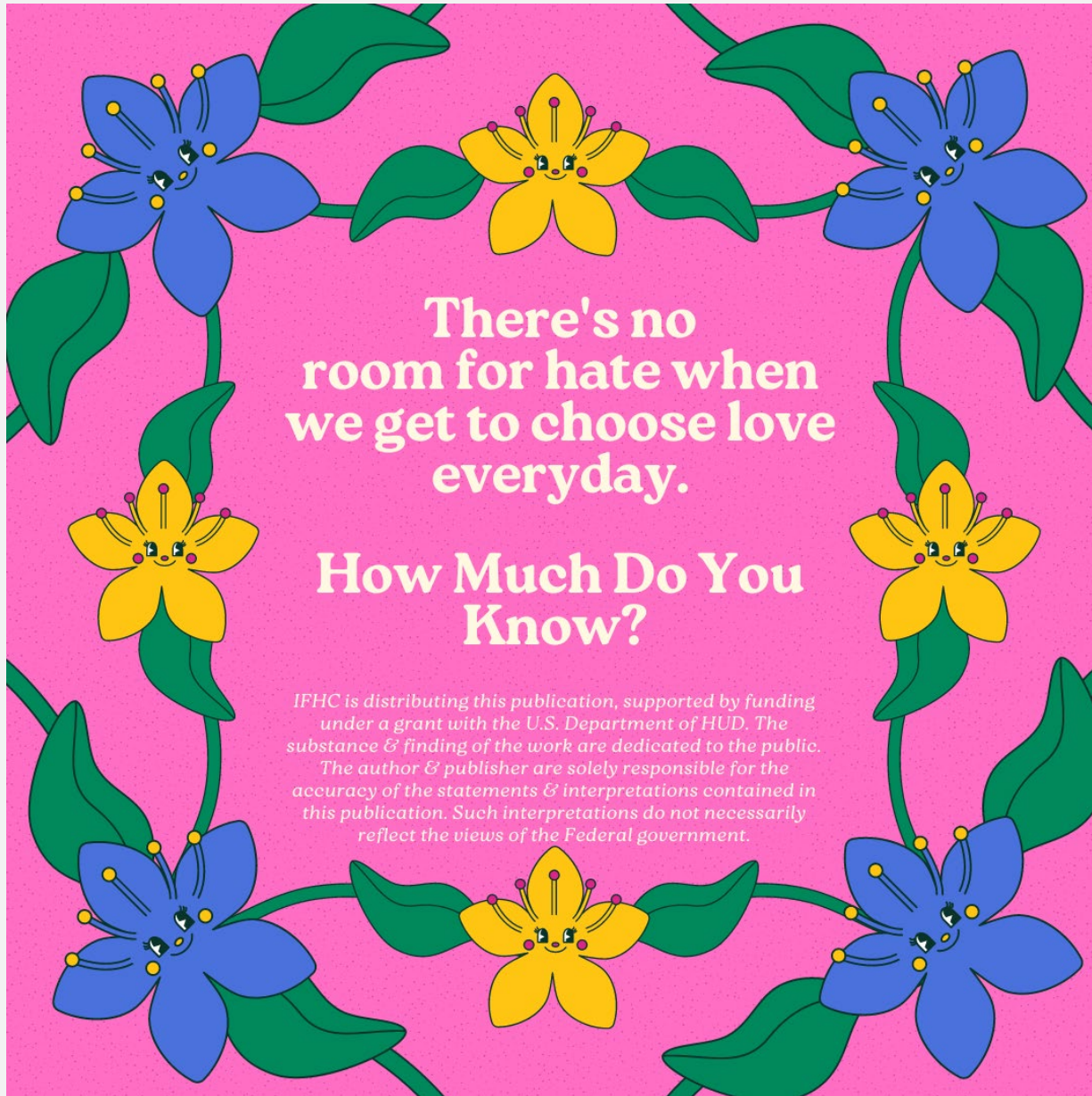


**EQUAL HOUSING
OPPORTUNITY**



FAIR HOUSING TRAINING

The work that provided the basis for this presentation was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The creator is solely responsible for the accuracy of the statements and interpretations contained in this presentation. Such interpretations do not necessarily reflect the views of the federal government.



Serious Question...

Scale 0 to 5 what is your knowledge of the Fair Housing Act?



Warning: I am not an attorney. I am not here to give you legal instruction or advice.

I am here to provide educational information about the Fair Housing Act, Tenant Rights under the FHA, and hot topics around the Fair Housing Act.

This presentation does not replace an attorney, please, contact your attorney. If you have a situation that requires attention, please call our office at

800-717-0695

WHO ARE WE?

IFHC is a nonprofit organization whose mission is to ensure open and inclusive housing for all people. The IFHC's purpose is to advance equal access to housing for all persons without regard to race, color, sex, religion, national origin, familial status, gender identity, sexual orientation, source of income, or disability. The

IFHC attempts to eradicate discrimination through education of the fair housing laws, housing information and referrals, housing counseling and enforcement including filing complaints under the Fair Housing Act.

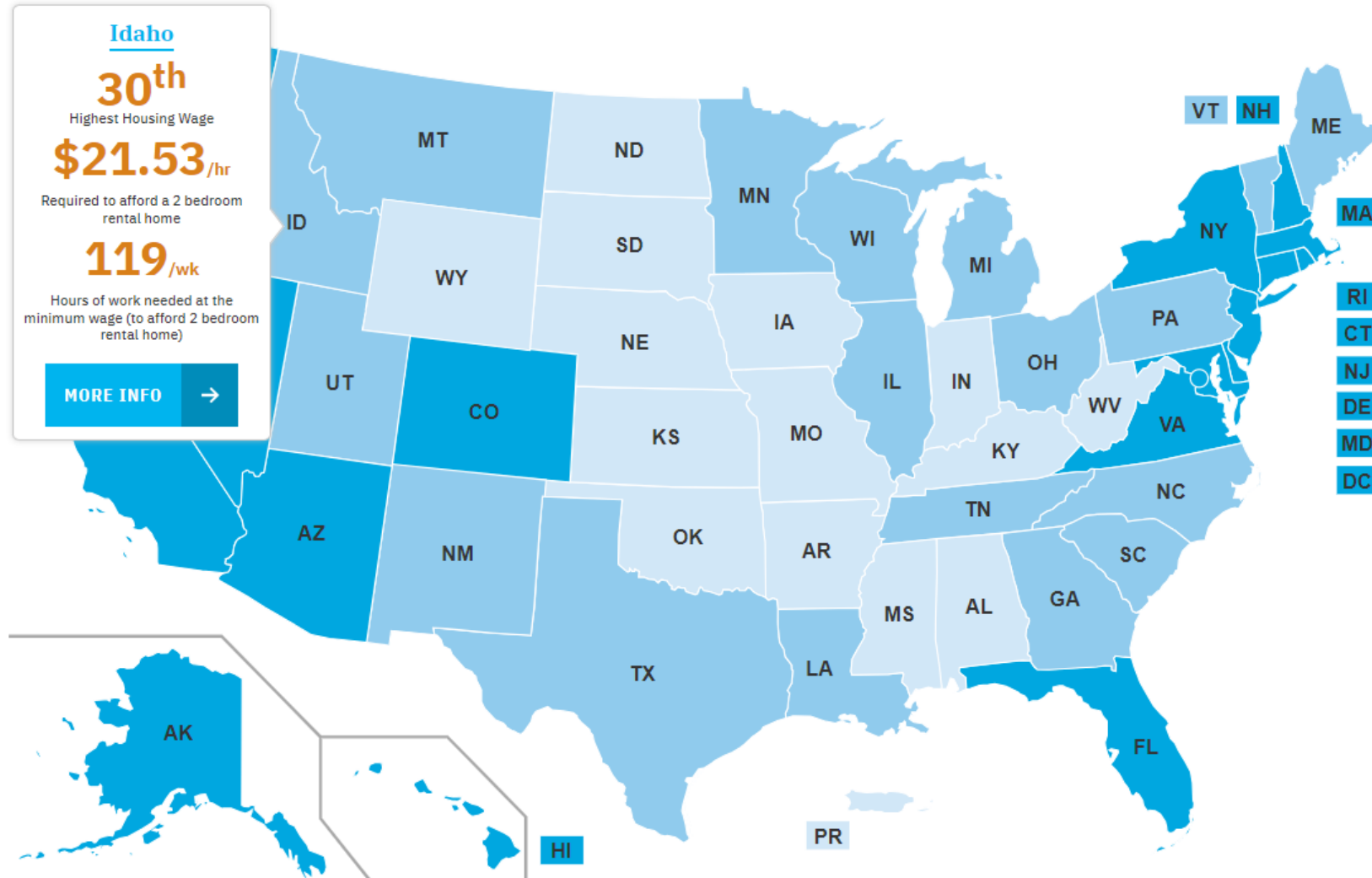


Housing Justice For All

How Much Do You Need to Earn to Afford a Modest Apartment in Your State?

Hourly wage required to afford a two-bedroom rental home by state.

● Below \$19.00 ● \$19.00 - \$26.00 ● Above \$26.00



37,573
OR
19%

Renter households that are extremely low income

-24,802

Shortage of rental homes affordable and available for extremely low income renters

\$30,030

Average income limit for 4-person extremely low income household

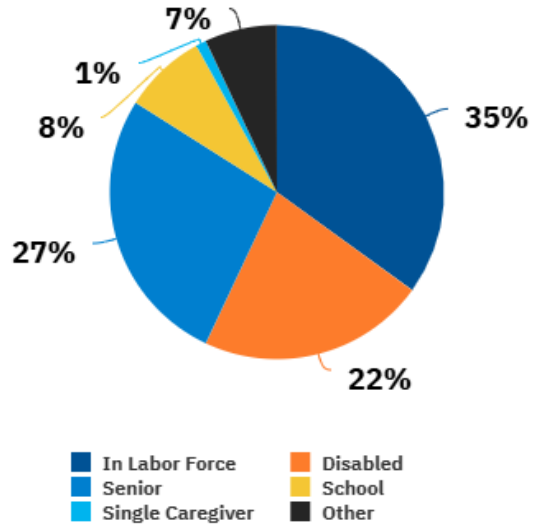
\$47,969

Annual household income needed to afford a two-bedroom rental home at HUD's Fair Market Rent.

74%

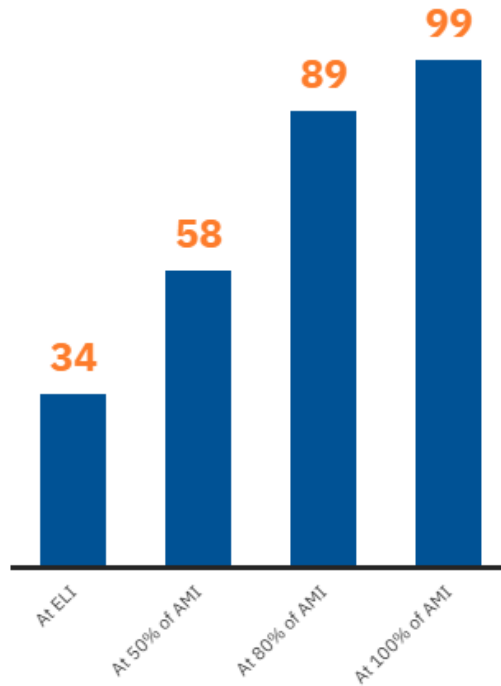
Percent of extremely low income renter households with severe cost burden

EXTREMELY LOW INCOME RENTER HOUSEHOLDS



Note: Mutually exclusive categories applied in the following order: senior, disabled, in labor force, enrolled in school, single adult caregiver of a child under 7 or a person with a disability, and other. Thirteen percent of extremely low-income renter households include a single adult caregiver, 53% of whom usually work at least 20 hours per week. Eleven percent of extremely low-income renter householders are enrolled in school, 48% of whom usually work at least 20 hours per week. Source: 2023 ACS PUMS
Source: 2023 ACS PUMS

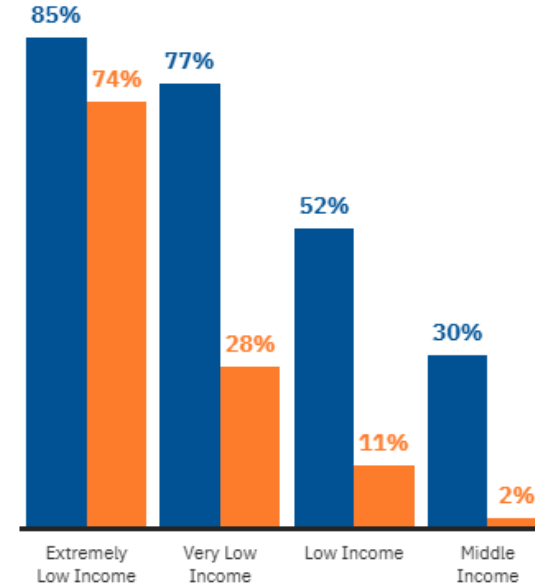
AFFORDABLE AND AVAILABLE HOMES PER 100 RENTER HOUSEHOLDS



Source: 2023 ACS PUMS

HOUSING COST BURDEN BY INCOME GROUP

■ Cost Burdened ■ Severely Cost Burdened

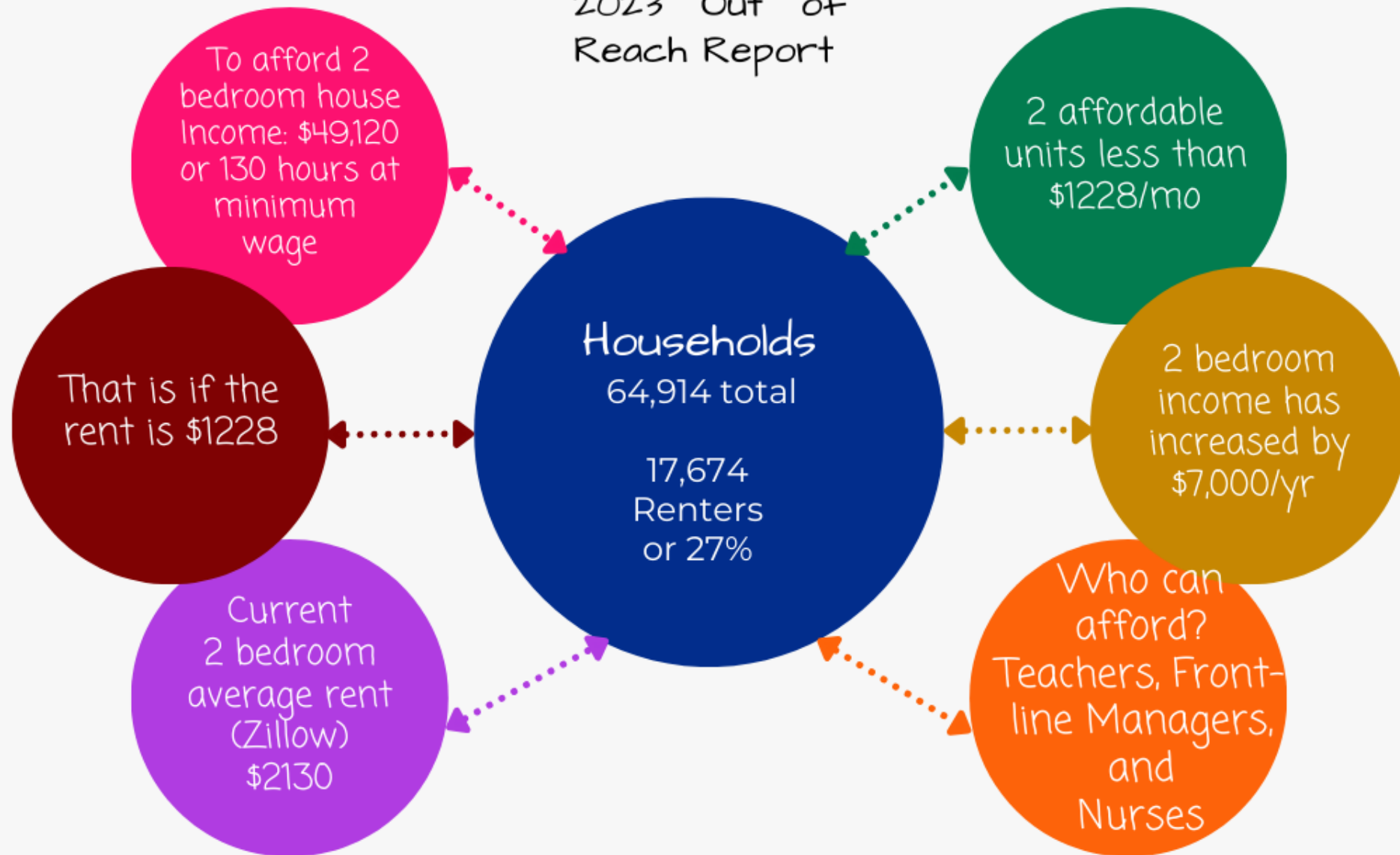


Note: Renter households spending more than 30% of their income on housing costs and utilities are cost burdened; those spending more than half of their income are severely cost burdened.

Source: 2023 ACS PUMS

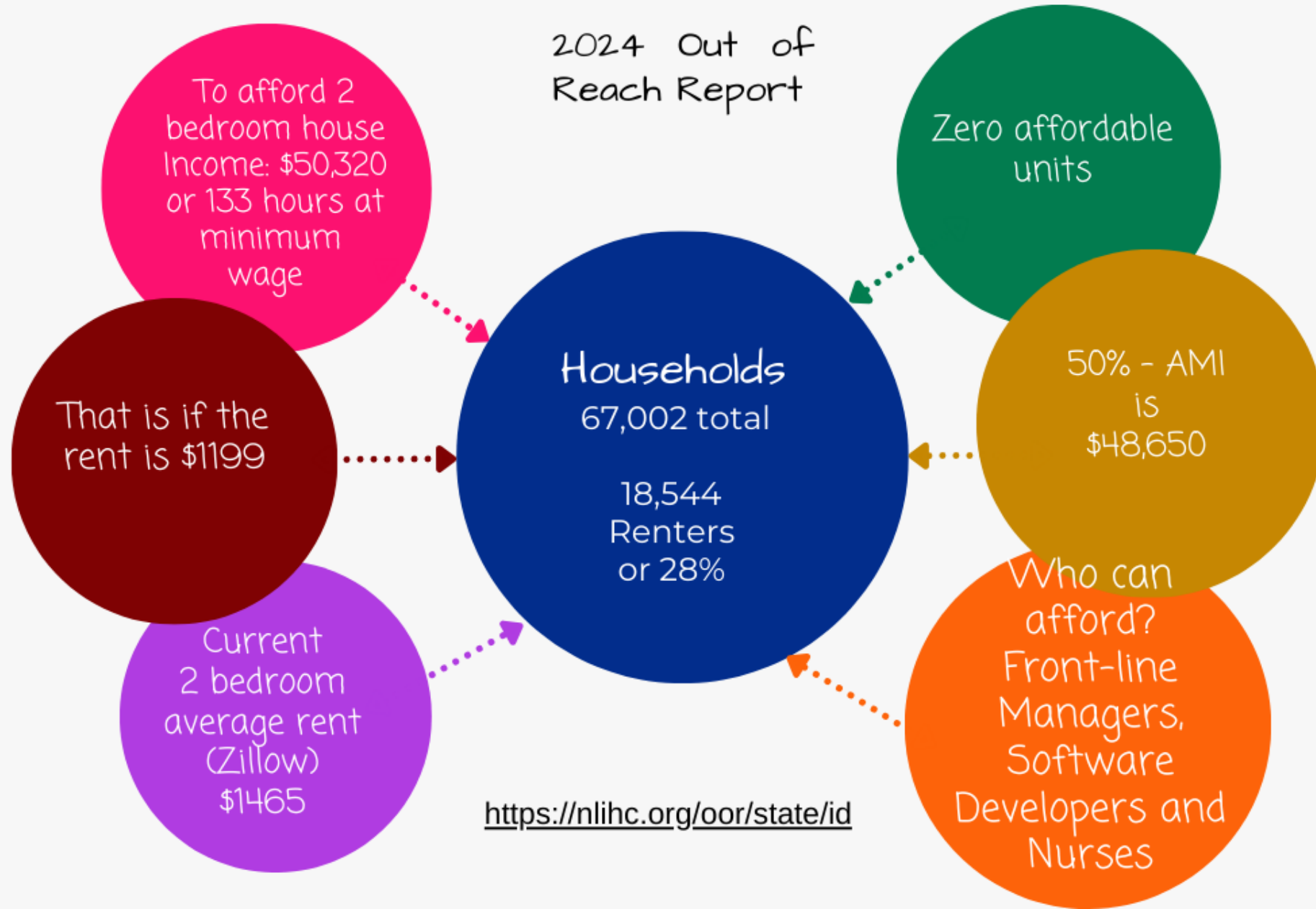
Kootenai County Housing

2023 Out of Reach Report



Kootenai County Housing

2024 Out of Reach Report



<https://nlihc.org/oor/state/id>

WHAT IS THE FAIR HOUSING ACT?



<https://www.loudounhabitat.org/blog/2019/4/22/fair-housing-act>

The Fair Housing Act, Title VIII of the Civil Rights Acts, prohibits discrimination in housing.

1968 – Fair Housing Act is initially passed including Race, Color, Religion and National Origin

1974 – Sex is added as a protected class

1988 – Disability and Familial Status are added as protected classes

ELEMENTS OF A FAIR HOUSING CASE

When a complaint is filed, one must show:

(1) that a member of a protected class was discriminated against

(2) a discriminatory act occurred

(3) (a) the dwelling is covered (4 or more units/property/in business of housing) by (b) a person/entity in the business of housing

(4) within the time limitations (Statute of Limitations)

- During application or screening
- Denial of reasonable accommodation
- Different policies, charges, treatment

**ELEMENT ONE:
PROTECTED CLASSES**

Race

Color

**National
Origin**

Religion

Sex

Disability

**Familial
Status**

WHAT IS RACE DISCRIMINATION?

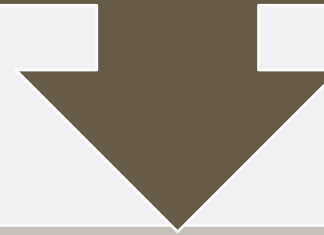
- **Race refers to whether a person is White, Black/African American, Asian, American Indian or an Alaska Native, or is a Native Hawaiian or Pacific Islander, or some mixture of two or more of these groups**
- It is illegal for housing providers – such as landlords, property manager, real estate agents, brokers, mortgage lenders, and insurance companies – to treat someone differently because of his or her or their actual race or perceived race, or because the person is multiracial or in a relationship with someone of a different race.
- A housing provider may also not discriminate against a current or prospective tenant because they associate with people of a particular race. For example, a White tenant cannot be treated differently because he or she has African American guests.

WHAT IS COLOR DISCRIMINATION?

- **Color refers to the visible color of a person's skin; that is, whether a person's skin is light or dark.**
- It is illegal for housing providers – such as landlords, property manager, real estate agents, brokers, mortgage lenders, and insurance companies – to treat someone differently because of the color of a person's skin, regardless of whether that person has lighter or darker skin. Color discrimination can involve someone of a different race or the same race. For example, if a landlord or other housing provider only rented to light-skinned African Americans, but not those who are darker-skinned, that would be an example of color discrimination, regardless of the race of the landlord.
- Color discrimination may be closely related to race discrimination (and sometimes national origin discrimination). In some instances, an act of discrimination against someone could be considered both race and color discrimination.

CASE STUDY: EKWEALOR V. HUBBLE HOMES LLC

In March of 2021, Somi Ekwealor, who is Black, and Jenna Ekwealor, who is multi-ethnic white and Latina, say their homeowners association, Charter Pointe, accused them of violating an association rule because they hung a Black Lives Matter flag by their front door.



The Ekwealors allege that no such rule existed, but that afterward, the association then wrote a new rule aimed at certain flags including BLM flags. The Ekwealors are suing the homeowners' association, a board member and the HOA president, along with a community manager. They are also suing the HOA management company, Association Management Inc., and the subdivision's developer, Hubble Homes. They alleged discrimination.

CASE STUDY: EKWEALOR V. HUBBLE HOMES LLC (CONT.)

When they asked for clarification, the association explained that it was developing a new rule, the complaint alleges.

When the rule was implemented that September, it banned all flags except sports flags, the American flag, the Idaho flag, POW/MIA flags and official and replica flags of the U.S. armed forces.



According to the complaint, the HOA intended the new policy to “limit the possibility of harassment or even an altercation ... in hopes to promote a harmonious environment.” But after implementing the new rule, Somi Ekwealor took photos of 20 flags or signs that remained in the neighborhood. After IFHC and the IHRC wrote letters warning against the new flag rule the HOA and property management company retracted the rule.



The Ekwealors believe the new rule, like the original notice, was to prevent them from displaying their Black Lives Matter flag.

ELEMENT TWO: DISCRIMINATORY ACT



DISCRIMINATORY HOUSING PRACTICES ALSO INCLUDES:

Making Housing Unavailable

42 U.S.C. sec. 3604(a); examples at 24 CFR sec. 100.60

Discriminatory Terms and Conditions

42 U.S.C. sec. 3604(b); examples at 24 CFR sec. 100.65

Discriminatory Statements

42 U.S.C. sec. 3604(c); examples at 24 CFR sec. 100.75

Steering

42 U.S.C. sec. 3604(d); examples at 24 CFR sec. 100.80

Coercion and Intimidation

42 U.S.C. sec. 3617

Hate Crimes Provision

42 U.S.C. sec. 3631

ACT OF DISCRIMINATION: MAKING HOUSING UNAVAILABLE

- **Failing to accept** a bona fide offer
- **Refusing to negotiate** with someone
- Imposing **different rental charges**
- Using **different qualification criteria** or applications
- Evicting someone
- **Conditioning availability** on response to harassment
- **Harassing someone** until they leave

(Document and Investigate)

Making Housing Unavailable

42 U.S.C. sec. 3604(a); examples at 24 CFR sec. 100.60



ACT OF DISCRIMINATION: DISCRIMINATORY TERMS AND CONDITIONS



- Using **different provisions** in a lease or contract of sale
- Failing to make **repairs** Failing to **process an offer**
- **Limiting use** of privileges and facilities
- **Tying services** to sexual favors
- **Harassing people** when they use services
- (Document and Investigate)

Discriminatory Terms and Conditions
42 U.S.C. sec. 3604(b); examples at 24 CFR sec. 100.65

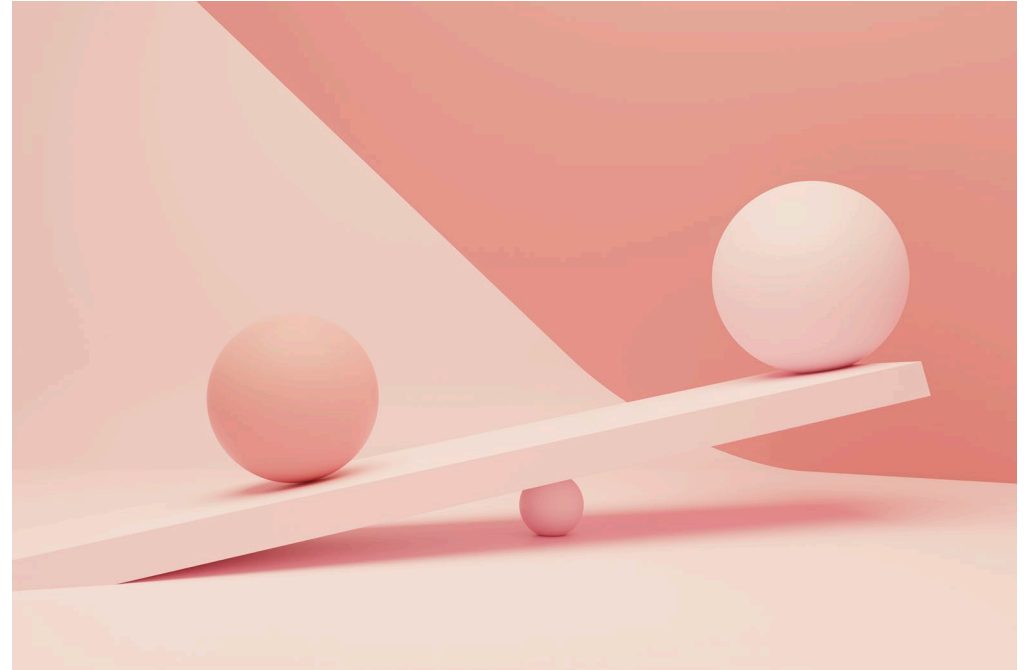


HARASSMENT
RULE:
HOSTILE
ENVIRONMENT

- **Hostile environment harassment occurs when a person is subjected to unwelcome conduct that is sufficiently severe or pervasive as to interfere with the availability, terms, conditions or services of his/her/their housing or a residential real estate-related transaction because of a protected characteristic.**

Quid Pro Quo Harassment

- **A person is subjected to an unwelcome request or demand because of his/her/their protected characteristic, i.e., of sex, race, color, religion, national origin, familial status, or disability, AND**
- **Submission to the request or demand is, either explicitly or implicitly, made a condition related to housing or a residential real estate-related transaction.**
- ***A person's conduct may constitute quid pro quo harassment whether or not the victim submits to the unwelcome request or demand. One incident is enough; there need not be physical contact***



ACT OF DISCRIMINATION: DISCRIMINATORY STATEMENTS



Discriminatory Statements

42 U.S.C. sec. 3604(c); examples at 24 CFR sec. 100.75



ACT OF DISCRIMINATION: STEERING



- Lying about availability
- Lying about conditions of rental or sale
- Enforcing restrictive covenants
- Failing to offer available places
- Lying in response to harassment

Steering

42 U.S.C. sec. 3604(d); examples at 24 CFR sec. 100.80

ELEMENTS OF STEERING



- The two elements of a steering violation are:
 - **1) an effort to influence a prospect's choice of a house or apartment**
 - **2) the housing provider's effort is related to the prospect's protected category.**
- Notably, this “effort to influence” does not have to be malicious or result in injury to the prospect in order to establish illegal steering.

ELEMENTS OF STEERING



In other words, all steering is illegal even when it is well-intentioned. There are many fair housing cases involving a housing provider who sincerely attempted to create a safer environment for a family, direct a non-English speaking prospect to a neighborhood where they could easily communicate with their neighbors, or encourage a wheelchair user to live on the first floor.



STEERING IN HOMEBUYING

- **Real estate agents and lenders once openly shut Black homebuyers out of white communities. Nowadays, some agents instead apply other tactics to steer buyers to certain communities based on race, ethnicity, sexual orientation, or other protected characteristics.**
- **An agent may ask one homebuyer to reconsider a neighborhood based on “safety” or “criminal activity,” while saying nothing to another homebuyer who is a person of color. They may also say that they only want to show the “best” houses to some buyers and not others.**
- **A form of redlining, steering involves a real estate agent influencing a homebuyer’s choice of communities based on the buyer’s race, religion, gender, sexual orientation, or other protected characteristic.**



STEERING IN HOMEBUYING

- **A real estate agent may not tell a buyer about available properties that meet their criteria within certain neighborhoods because of their assumptions about what a customer wants or needs based on the customer's personal characteristics. Steering can be subconscious and influenced by internal biases.**
- **As such, the practice is often subtle. Steering leads to monocultural, single-race neighborhoods that generally favor white, cisgendered homebuyers.**
- **Example: NFHA v. Redfin**

EXAMPLES OF STEERING STATEMENTS:

- Since you have several children, our experience has shown that we will have fewer complaints from neighbors if you live on the first floor.
- That area of the property is viewed as our “quiet” area, so you should choose an apartment in a different area closer to other young families.
- I just don’t see you as fitting into this community, I’m sure I can find you a different property where you would be more comfortable.
- I’m not permitted to be a bigot in my work, but if you are, it’s fine with me. Just tell me what you are looking for and I’ll find it.
- This property has a lot of Mexican Americans, so you should fit right in.
- I own several duplexes in this area, and you will probably feel more comfortable in one of my other duplexes.
- I assume from the last name you are Jewish like me. I have a vacant apartment that is next door to another Jewish family. Would you like to see it?
- The only available unit we have is on the second floor, so since I see you use a wheelchair, I can put you on a waitlist for a first-floor unit.

NFHA V. REDFIN

This is an example of steering using "Algorithmic Bias"

- **Redfin**, a national real estate firm based in Seattle, WA, provides many of its real estate services online and has only a handful of physical offices, did not offer its services to everyone. The company has a minimum home price policy, below which it does not offer to provide any service — it will not list the house, it will not show a buyer the house, and it will not process offers or handle closings for the house. Redfin's minimum home price varies from area to area, from city to county, and throughout the year.
- The investigation found that Redfin offered "No Service" for homes in non-White areas at a greater rate than for homes in White areas. Also, Redfin offered its "Best Available Service" at a significantly greater rate in extremely White zip codes compared to extremely non-White zip codes. [Redfin Investigation - NFHA\(c\)](#) (nationalfairhousing.org)

ALGORITHMIC BIAS CONTINUED

- On October 28, 2020, NFHA and the other nine organizations filed a lawsuit in the federal district court in Seattle, WA, alleging that Redfin's minimum price policy has a substantial adverse impact on sellers and buyers based on race and national origin. On April 29, 2022, Redfin settled with NFHA(c) and these 9 groups. Under the agreement, Seattle-based Redfin will change its minimum housing price policy, alter other practices, and pay \$4 million to settle the suit.
- The changes will increase access to Redfin's real estate services across the country and help counter redlining and residential segregation that NFHA and the other plaintiffs alleged Redfin's policies perpetuated. Redlining is a now-illegal practice in which banks would refuse to make home loans to someone because they live in an area deemed to be a poor financial risk. Redfin Investigation - NFHA(c) nationalfairhousing.org



BEST PRACTICE TO AVOID STEERING:

The general rule is that it is up to the applicant to determine where they wish to live, and efforts by a housing provider to encourage, discourage, make inferences, or redirect a prospect because of their children, disability, race, ethnicity, or any other protected category are illegal acts of steering and are prohibited by the Fair Housing Act.

ACT OF DISCRIMINATION: COERCION AND RETALIATION

It shall be **unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of**, or on account of that person having exercised or encouraged any other person in the exercise or enjoyment of, **any right granted or protected** by this part.

Coercion and Intimidation
42 U.S.C. sec. 3617

HATE CRIMES PROVISION OF THE FHA 42 USC §3631



IDAHO

Hate Crimes Incidents in 2022

111 of 112 law enforcement agencies (99%) provided hate crime data.

What is a Hate Crime?

Hate Crimes: At the federal level, a crime motivated by bias against race, color, religion, national origin, sexual orientation, gender, gender identity, or disability.

Bias or Hate Incident: Acts of prejudice that are not crimes and do not involve violence, threats, or property damage.

For additional information on hate crimes resources visit <https://www.justice.gov/hatecrimes>.

How do I report a hate crime?

If you believe you are the victim of a hate crime or believe you witnessed a hate crime:

For emergencies **Dial 911**

OR

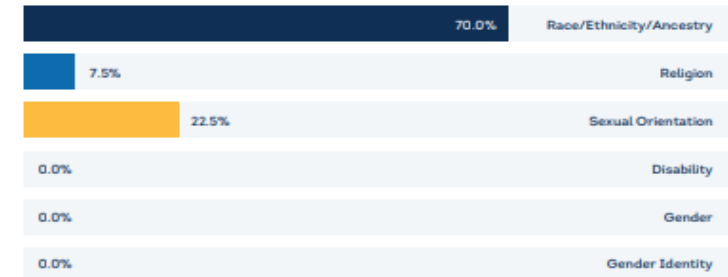
Step 1: Report the crime to your local police.

Step 2: Quickly follow up this report with a tip to the Federal Bureau of Investigation's (FBI) tip line at 1-800-225-5324.

Types of Crime

Crimes against Persons	38	80.9%
Crimes against Property	9	19.1%
Crimes against Society	0	0.0%

Bias Motivation Categories



Bias Motivation Categories	2020	2021	2022
Race/Ethnicity/Ancestry	27	29	28
Religion	7	4	3
Sexual Orientation	6	11	9
Disability	1	0	0
Gender	1	0	0
Gender Identity	1	0	0

For additional statistics, visit the FBI Crime Data Explorer at <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime>.

2023 Hate Crime Statistics for Idaho*

Bias Motivation Categories by Year

Bias Motivation Category	2021	2022	2023
Race/Ethnicity/Ancestry	29	28	33
Religion	4	3	6
Sexual Orientation	11	9	10
Disability	0	0	0
Gender	0	0	1
Gender Identity	0	0	2
<u>Total:</u>	44	40	52

CRIME IS DOWN HATE IS UP

Hate

The term "hate" can be misleading. When used in a hate crime law, the word "hate" does not mean rage, anger, or general dislike. In this context "hate" means bias against people or groups with specific characteristics that are defined by the law.

At the federal level, hate crime laws include crimes committed on the basis of the victim's perceived or actual race, color, religion, national origin, sexual orientation, gender, gender identity, or disability.

- Most state hate crime laws include crimes committed on the basis of race, color, and religion; many also include crimes committed on the basis of sexual orientation, gender, gender identity, and disability.

DIRECT LIABILITY

- **A person can be found directly liable for his/her/their own conduct as well as:**
 - **Failing to take prompt action to correct and end discriminatory conduct by an agent/employee of which the person knew or should have known.**
 - **Failing to take prompt action to correct and end a discriminatory housing practice by a third-party, where the person knew or should have known of the discriminatory conduct and had the power to correct it.**

VICARIOUS LIABILITY

- **The rule makes clear that a person is vicariously liable for the actions of their agents or employees, *regardless* of whether the person knew or should have known of the conduct that resulted in a discriminatory housing practice.**

ELEMENT THREE: COVERED HOUSING



HOUSING COVERED UNDER THE
FAIR HOUSING ACT
INCLUDES BUT IS NOT LIMITED TO:

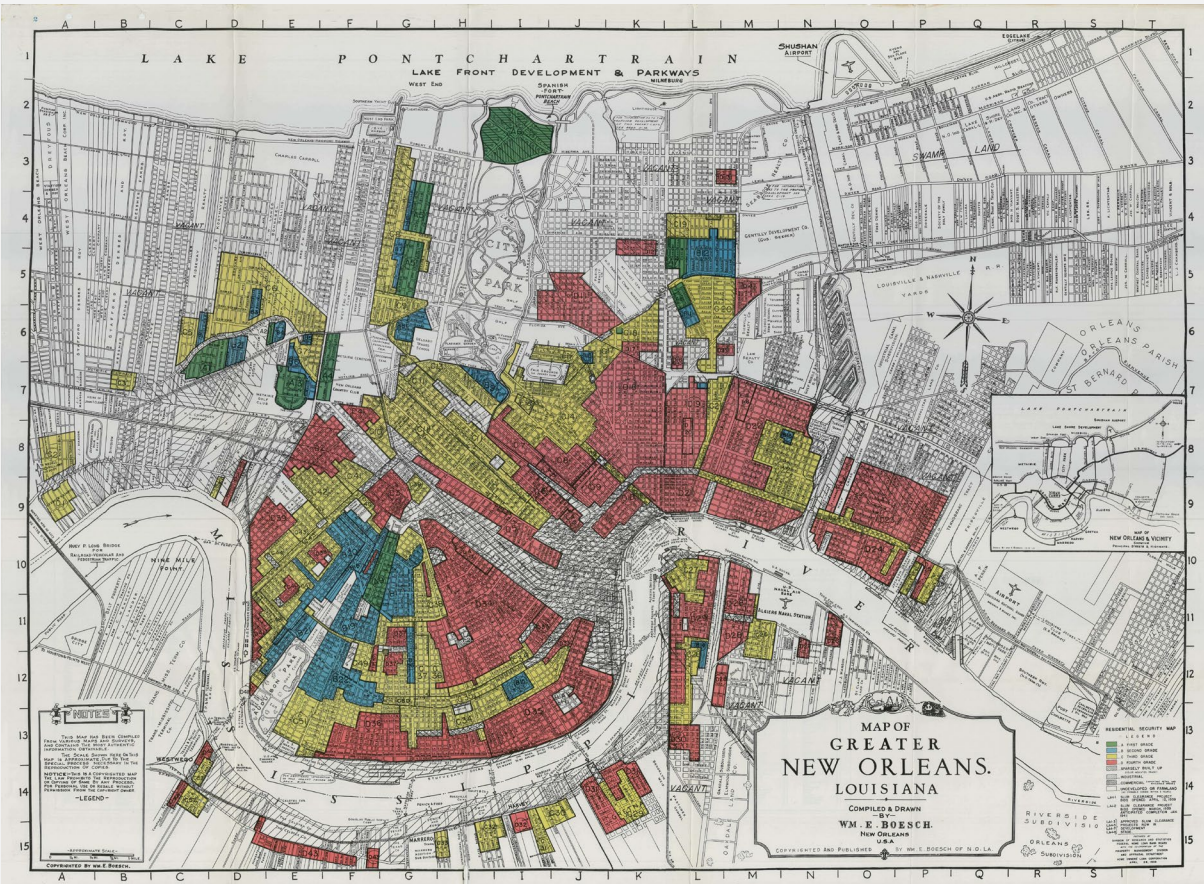
- Condominiums
- Duplexes
- Multi-unit dwellings (apartments) with 4 or more units
- Manufactured homes
- Group homes for the recovery of drug addicts and alcoholics
- Seasonal bungalows
- Private homes
- Vacant land
- Homeless shelters
- Shelters for victims of domestic violence
- Hospice
- Nursing Home
- Assisted Living
- RV Park

FAIR HOUSING ACT APPLIES TO MANY DIFFERENT HOUSING TRANSACTORS:

- Advertising media
- Residential landlords
- Rental agents
- Housing Agents/Managers
- Real Estate Brokers and Salespersons
- Homeowners
- Homebuilders
- Refugee Agencies
- Banks, Savings and Loan Associations, Mortgage Lenders or other financial institutions
- Developers and contractors
- Landowners
- Condominium developers or owners
- Homeowner and Condo Owner Associations

HOT TOPICS

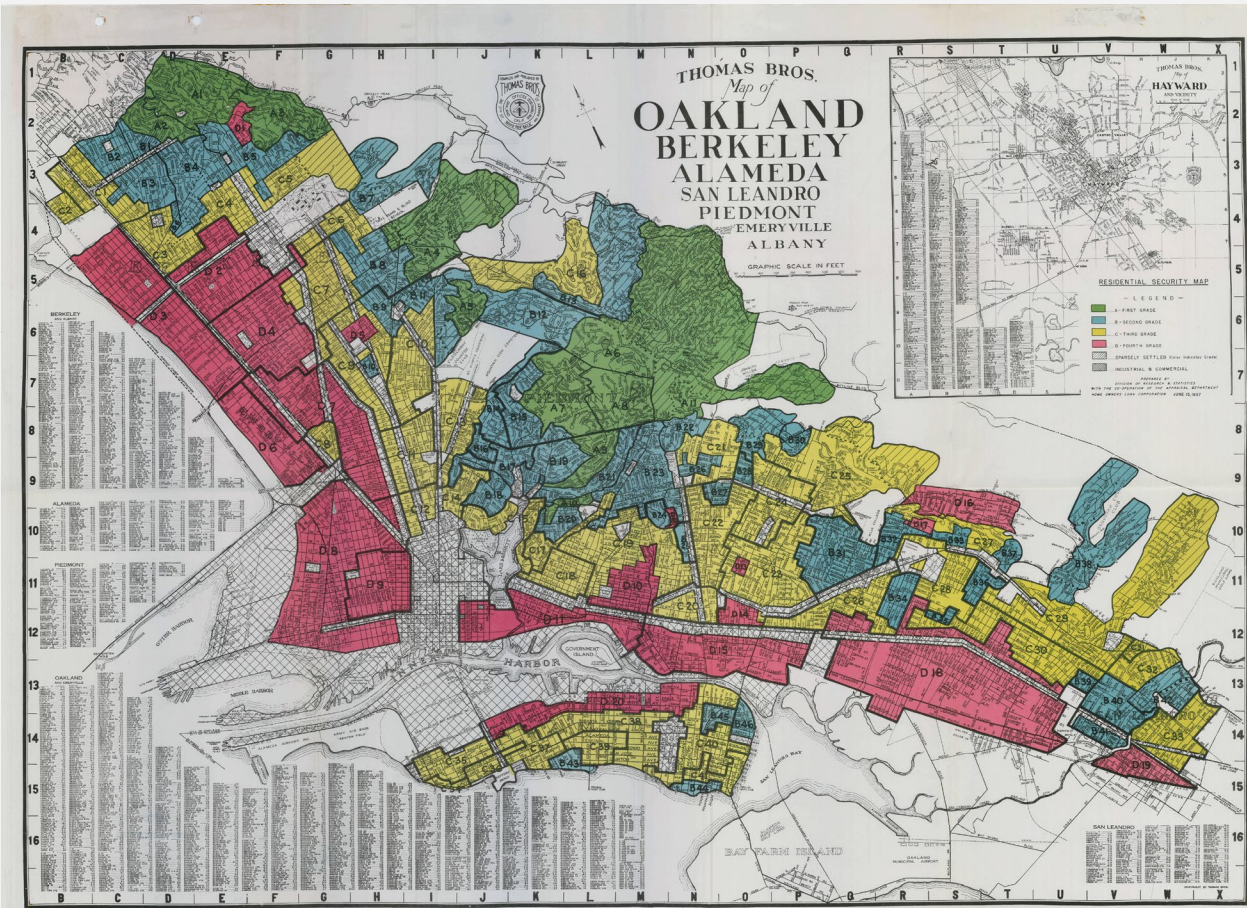




Redlining Map of Greater New Orleans

REDLINING

Redlining generally refers to the denial of services such as mortgages, insurance loans, and other financial services to residents of certain areas, based on their race or ethnicity.

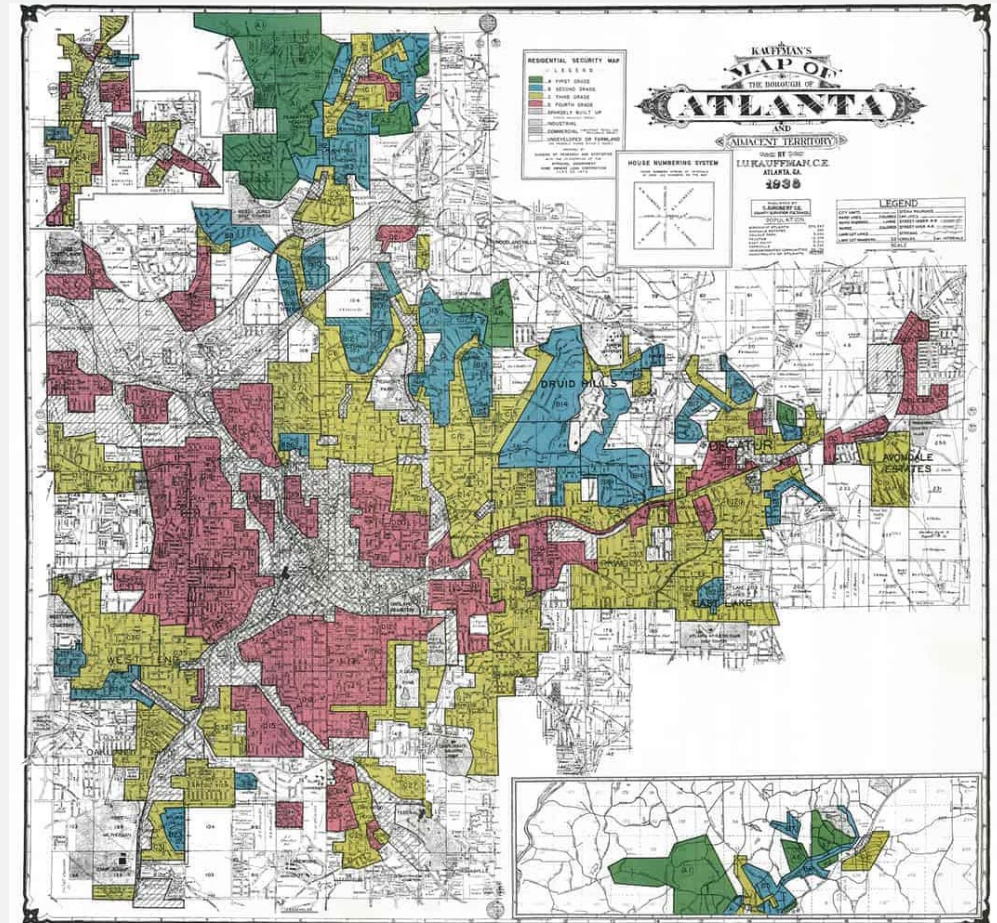


Redlining Map of Oakland, Berkley, Alameda

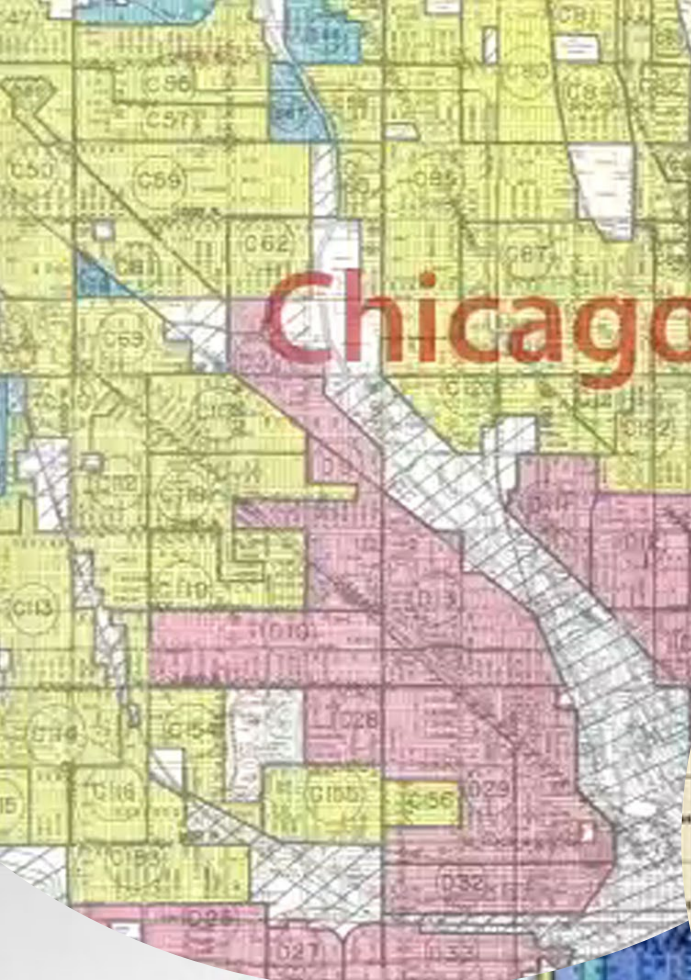
These maps were created as part of the 1930s New Deal, where Congress offered government-insured mortgages to homeowners to ward off Depression-era foreclosures.

The red-colored areas of the maps were seen as risky mortgage investments and were given the lowest “D” rating.

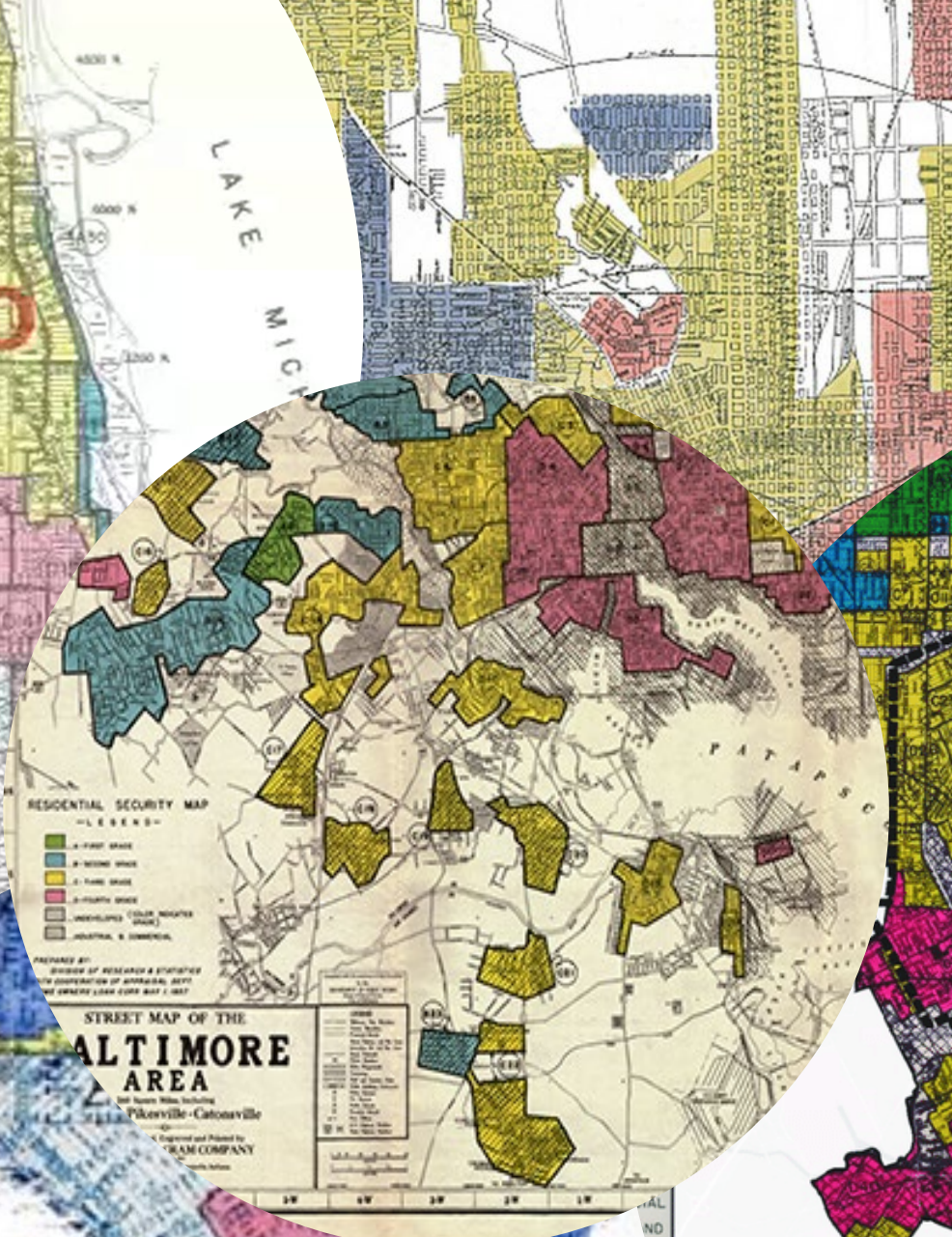
These redlined areas were home to mostly people of color and other minority groups, who would therefore receive a bad mortgage rate or none at all.



Redlining Map of Atlanta



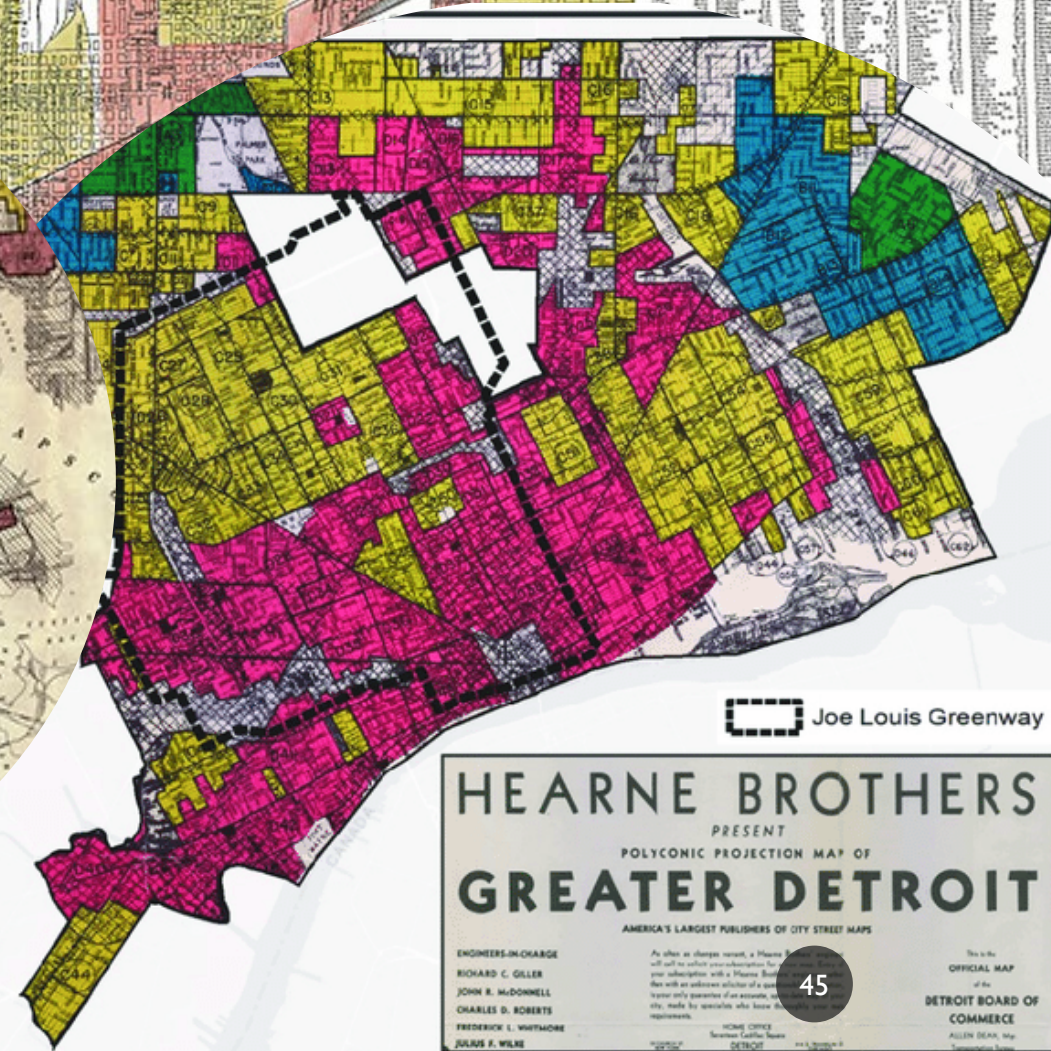
Chicago



RESIDENTIAL SECURITY MAP
-LEGEND-

STREET MAP OF THE
BALTIMORE AREA
Pikerville-Catoonsville

STREET MAP
CITY OF
HOUSTON
TEXAS
TEXAS MAP & BLUEPRINTING CO.
GEO. A. WOOD, Manager



Joe Louis Greenway

HEARNE BROTHERS
PRESENT
POLYCONIC PROJECTION MAP OF
GREATER DETROIT
AMERICA'S LARGEST PUBLISHERS OF CITY STREET MAPS

ENGINEERS-IN-CHARGE
RICHARD C. GILLER
JOHN R. McDONNELL
CHARLES D. ROBERTS
FREDERICK L. WHITMORE
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CIVIL RIGHTS + IMMIGRATION

EDUCATION

GOVERNMENT + POLITICS

Acknowledging Boise's past: Student research helped create law to allow removal of race covenants

College of Idaho's Redline Project leads to new law allowing homeowners to void illegal, racist restrictions in property deeds

BY: MIA MALDONADO - JULY 5, 2022 4:30 AM





IDAHO'S SENATE BILL 1240

The Redline Project played a critical role in helping pass Senate Bill 1240.

In March of 2022, the Idaho Legislature unanimously passed a bill allowing Idaho homeowners to bring in their home deeds to their county clerk's office and void its race covenants. Some counties in Idaho have a virtual option on their website to void the language in their property titles.

The Intermountain Fair Housing Council put Cunningham and his team in touch with Wintrow, who was already working to address the issue after one of her constituents noticed the racially restrictive language in the deed of their home.

“His students have been amazing to work with,” Senator Melissa Wintrow said. “He and his students have been mapping the state to see where these covenants are located.”

After working with legal experts, realtors and Cunningham's research team, Wintrow sponsored Senate Bill 1240. The bill was signed into law by Gov. Brad Little during a ceremony in March 2022.

REVERSE REDLINING

Reverse Redlining: **the illegal practice of extending credit on unfair terms in a particular community on a discriminatory basis** (as because of the race or ethnicity of its residents).

MORE ALGORITHMIC BIAS



ALGORITHMIC BIAS

The Documentary, **Coded Bias** shows that there is a lack of legal structures for artificial intelligence and facial recognition software, and as a result, civil rights are being violated. Algorithms and artificial intelligence technologies discriminate by race and gender statuses in domains such as housing, career opportunities, healthcare, credit, education, and legalities.

In November 2022, the United States Department of Justice's Antitrust Division opened an investigation into **RealPage**, which is accused of contributing to higher rent prices throughout the United States. The company's **Yield Star** software uses an algorithm to "help landlords push the highest possible rents on tenants." Civil rights groups are investigating them for redlining or restricting or giving worse terms (higher interest rates, fees) financial and other services to residents of area based on their race or other protected class.



ALGORITHMIC BIAS

- **Facebook** - On March 19, 2019, the National Fair Housing Alliance (NFHA), Communications Workers of America (CWA), several regional fair housing organizations, and individual consumers and job seekers settled precedent-setting civil rights claims against Facebook because the platform contained pre-populated lists that allowed advertisers to place housing, employment, and credit ads that could “exclude” (in Facebook terminology) certain protected groups, such as African Americans, Hispanics, and Asian Americans. [Facebook Settlement - NFHA \(nationalfairhousing.org\)](https://www.nationalfairhousing.org/)
- The historic settlement involves sweeping changes to Facebook’s paid advertising platform and resolves five separate legal claims which alleged that Facebook’s platform unlawfully enabled advertisers to target housing, employment, and credit ads to Facebook users based on race, color, gender, age, national origin, family status, and disability.
- Facebook was ordered to undertake far-reaching changes and steps that prevent discrimination in housing, employment, and credit advertising on Facebook, Instagram, and Messenger demonstrating significant progress and a commitment to advancing civil rights.

HOME APPRAISAL BIAS



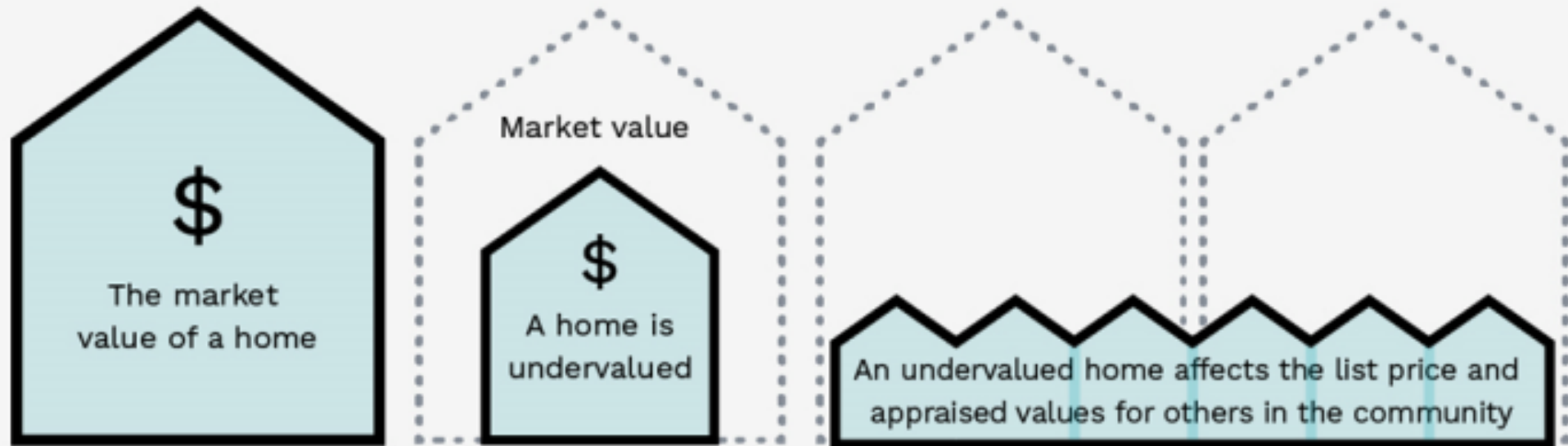
- For most Americans, their home is their single most important financial asset and holds the key to wealth, stability, and opportunity for their family and generations to come. In addition, home values affect the tax base, school funding, and community investments. Moreover, time and again, our nation's economy and financial markets have been significantly impacted by home valuations, with communities of color often bearing the brunt of failings in the mortgage market and the home appraisal process. **Given the importance of homeownership to American families, particularly families of color, governmental and private organizations have called for appraisal reforms and a comprehensive examination of the structure and governance of the appraisal industry.**
- [Appraisal Bias - NFHA \(nationalfairhousing.org\)](https://www.nationalfairhousing.org/)
- [Lawsuit sheds light on racial bias in appraisals for Black and Latino homeowners : NPR](#)



APPRAISAL DISCRIMINATION

- When Paul Austin and Tenisha Tate-Austin sued their real estate appraiser, her company, and the company that hired her for allegedly under-valuing their home based on their race, they were after more than just financial restitution.
- They reached a settlement agreement with Appraiser Janette Miller in the [federal housing discrimination lawsuit](#) that included an undisclosed amount of money and requires that the licensed real estate appraiser "agrees not to discriminate in the future."
- Miller, who the Austins have described as an older white woman, must also attend a training session on the history of segregation and real estate-related discrimination in Marin County, provided by Fair Housing Advocates of Northern California, which participated in the suit as a co-plaintiff.
- She has also agreed to watch a 76-minute documentary called [Our America: Lowballed](#), about discriminatory practices in the appraisals industry, which [recent studies have shown is widespread](#) and result in higher values for homes when occupants are white, and can plummet if they are people of color. The Austins are heavily featured in the film, produced by ABC Owned Television Stations.
- As of the end of 2018 and currently, 85% of appraisers nationwide were white, while less than 2% identified as Black, according to a [report from the Appraisal Institute](#).
- [Lawsuit sheds light on racial bias in appraisals for Black and Latino homeowners : NPR](#)

Compounding Effects of Undervaluations



Over time, homeowners in the neighborhood experience less gain of home equity wealth when they sell or refinance their home. Depressed property values can increase the likelihood of low valuations on future sales.

THE RACIAL HOMEOWNERSHIP GAP

- The Black-white homeownership gap is wider today (30%) than in 1968 when the [Fair Housing Act](#) was initially passed, prohibiting discrimination when selling, renting, or financing a home.
- **Census data from 2019 showed nearly 72% of white families are homeowners, compared to just 42% of Black families.** Rates of Black homeownership have been steadily declining over the years, even before the 2008 housing market crash.
- **Idaho by the numbers via census data**
 - --- Black homeownership gap: 41.7%
 - --- #12 highest homeownership gap of all U.S. states
 - --- Total Homeownership rate: 71.6%
 - --- **Black homeownership rate: 32.3% (#12 lowest among all states)**
 - --- **White homeownership rate: 73.9%**
 - --- **American Indian and Alaska Native homeownership rate: 55.5%**
 - --- **Asian homeownership rate: 54.0%**
 - --- **Hispanic homeownership rate: 59.0%**
- <https://stacker.com/idaho/black-homeownership-gap-idaho>



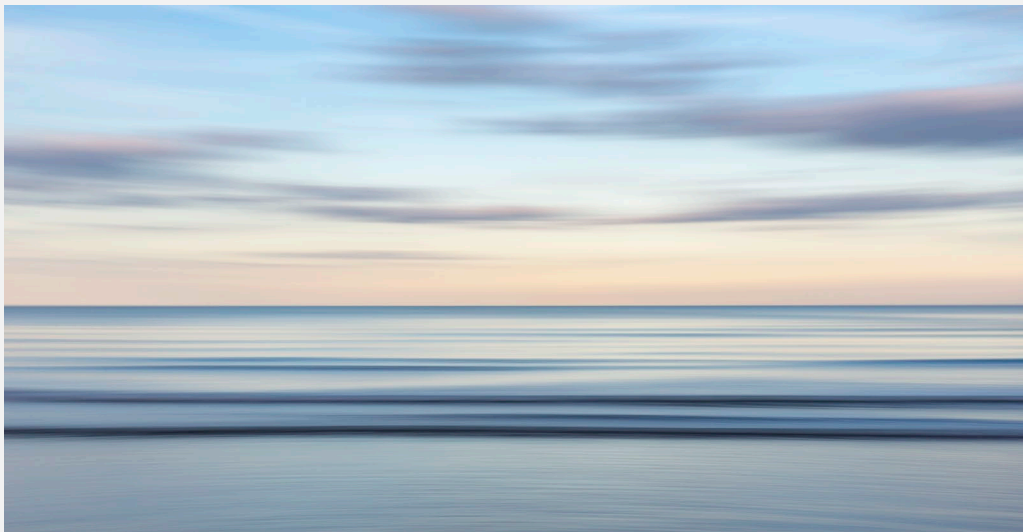
OTHER HOT TOPICS



Environmental Justice

EPA Definition of Environmental Justice

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.-



HUD strives to pursue the fair treatment and meaningful involvement of low-income, minority, Tribal and indigenous communities during the development, implementation and enforcement of HUD regulations and policies. The Department defines environmental justice (EJ) as

“investing in environmental improvements, remedying past environmental inequities, and otherwise developing, implementing, and enforcing laws and policies in a manner that advances environmental equity and provides meaningful involvement for people and communities that have been environmentally underserved or overburdened, such as Black and Brown communities, indigenous groups, and individuals with disabilities”.

WASHINGTON DC— The HUD Inspector General has launched an initiative to advance environmental justice in HUD-assisted housing (“HUD Housing”).

“We are committed to holding housing providers accountable for complying with environmental laws and regulations to protect the health of low-income households and vulnerable populations and we will use every tool available to combat environmental crime and injustice in housing.” HUD OIG is prioritizing the following oversight objectives to advance environmental justice in HUD housing:

- **Ensuring public housing agencies (PHAs), landlords, contractors, and inspectors properly identify lead hazards and use safe work practices to reduce and prevent lead exposure and poisoning in HUD housing.**
- **Ensuring landlords fulfill their obligations to provide housing units that are decent, safe, and sanitary, and make necessary repairs to units in a timely and safe manner.**
- **Fighting financial fraud schemes that exploit vulnerable populations relying on HUD housing assistance, such as landlords who overcharge rent or housing fees.**



The geographic relationship of environmental health hazards to housing is an important component of fair housing choice. When environmental health hazards are concentrated in particular areas, neighborhood health and safety may be compromised, and patterns of segregation entrenched.

Environmental issues affecting health can include access to safe and clean drinking water, soil contamination, excessive air pollution, and indoor health hazards (lead-based paint, radon, mold, asbestos).

Relevant factors to consider include the type and number of hazards, the degree of concentration or dispersion (including in older housing stock), and health effects such as asthma, cancer clusters, obesity, etc.

Additionally, industrial siting policies and incentives for the location of housing may be relevant to this factor.

WASHINGTON – The U.S. Department of Housing and Urban Development (HUD) announced today that it has entered into a Voluntary Compliance/Conciliation Agreement with the City of Chicago and three community-based environmental advocacy organizations (Southeast Environmental Task Force, the South East Side Coalition to Ban Petcoke, and People for Community Recovery) to alleviate existing and prevent future environmental burdens, such as pollution and its negative health effects, and increase opportunities for environmentally burdened communities to participate in decision-making processes.

Under this agreement, the City of Chicago will complete a comprehensive study of environmental burdens, health conditions, and social stressors across Chicago and use that study to inform and advance reforms to land use, permitting, and environmental enforcement policies and procedures. The Agreement resolves HUD findings of noncompliance with Title VI of the Civil Rights Act of 1964 and Section 109 of the Housing and Community Development Act of 1974 for the City of Chicago.

“Black and Latinx families must not bear the disproportionate burden of a community’s industrial activities. Advancing environmental justice is about more than addressing existing burdens: communities must develop new paradigms for development that center the voices of the most burdened communities,” said **Demetria L. McCain, HUD’s Principal Deputy Assistant Secretary for Fair Housing and Equal Opportunity**. “This agreement sets a new standard for resolving environmental justice matters and is an important step in that direction for Chicago. We are committed to enforcing the nation’s fair housing and civil rights laws to advance environmental justice and ensure that health and safety is a priority for all neighborhoods.”

56 YEARS OF FAIR HOUSING

Upon signing the Fair Housing Act, President Johnson said, “It proclaims that fair housing for all human beings who live in this country is now a part of the American way of life.”

There literally have been thousands of race-based laws that prohibited people's right to home ownership, land access, housing opportunities. To overcome those systems, they included the **affirmatively furthering fair housing** provision, which says that any jurisdiction, any entity that receives any federal funds for housing or community development purpose has to proactively promote fair housing. 42 U.S.C. sec. 3608





AFFIRMATIVELY
FURTHER FAIR
HOUSING

What is Affirmatively Furthering Fair Housing (AFFH)? 42 U.S.C sec 3608

- It is part of the Fair Housing Act.
- AFFH says it is not enough to outlaw discrimination. We have to undo the lasting, structural and systemic harms that were caused by discrimination. (Read the Color of Law by Richard Rothstein)
- AFFH applies to cities, counties, states, and public housing agencies that get our tax dollars from the Department of Housing and Urban Development (HUD).
- **AFFH – Affirmatively Furthering Fair Housing:** Directs HUD to ensure that HUD and its program participants will proactively take meaningful actions to overcome patterns of segregation, promote fair housing choice, eliminate disparities in housing-related opportunities, and foster inclusive communities that are free from discrimination.



AFFH MANDATE

- **The AFFH mandate requires deep community engagement to address systemic harms and requires that communities and stakeholders look at all the ways discrimination impacts people’s lives, such as education, environment, transportation, health, income, safety, food, home ownership, and more and transform communities such that zip code doesn’t determine how long we will live or the quality of life. Fair Housing should be the first thought/action in creating community and homes.**
- (To learn more, visit the National Fair Housing Alliance(c) website:
<https://nationalfairhousing.org/affh/>)



(Getty Images)

TRENDS

Is It Even Possible To Buy a House Right Now? What the Future Holds for First-Time Home Shoppers

By Clare Trapasso

Sep 18, 2023



<https://www.realtor.com/news/trends/is-the-american-dream-of-homeownership-still-possible-for-first-time-homebuyers/>

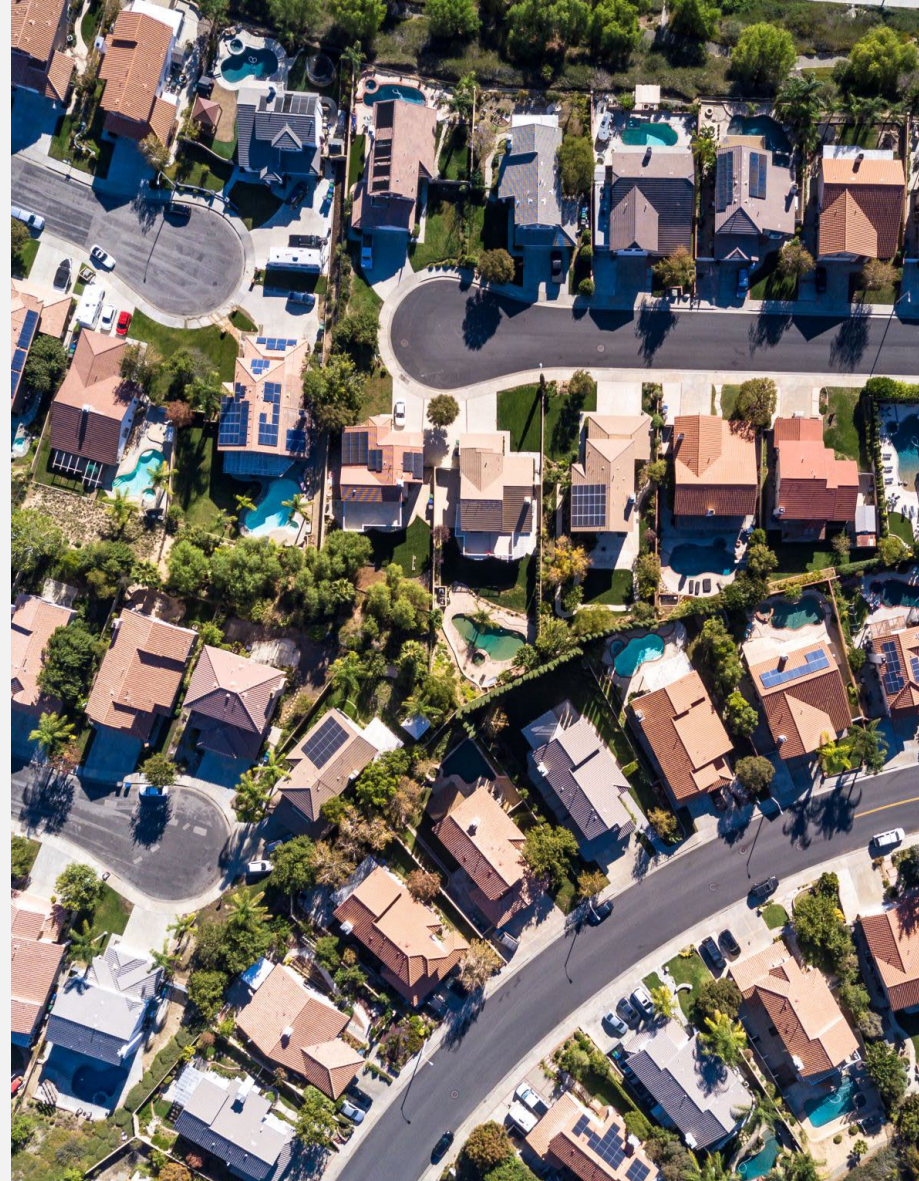


Housing: Many young adults have given up on the American Dream

<https://finance.yahoo.com/news/housing-many-young-adults-have-given-up-on-the-american-dream-170148741.html>

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UNTAPPED FINANCIAL RESOURCES AND SOLUTIONS

- **Fair Housing Zoning and Land Use
Overlays**
- **Homeownership Opportunities using
Special Purpose Credit**
- **Political Will**
- **Affordable Housing (Lack of
Accessible)**
- **Mandatory Renter Relocation
Assistance**
- **Housing Trust Fund/Land Trusts or
Banks**
- **Idaho's Annual State Surplus**
- **Individual Development Accounts**

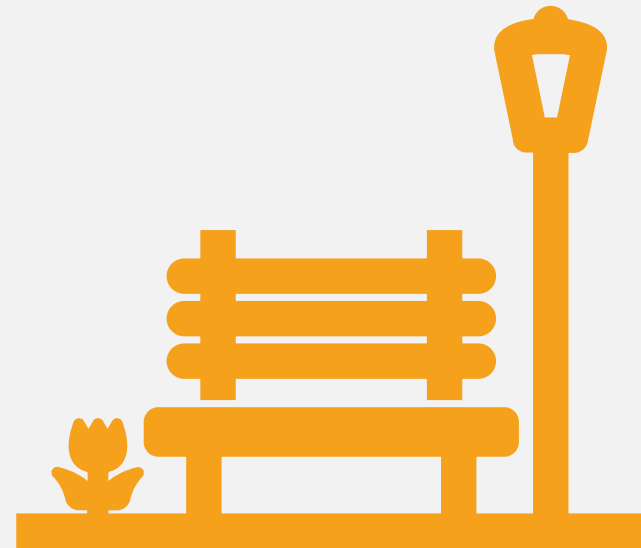


Untapped Financial resources and Solutions

- **1-for-1 replacement of any existing housing after demolition**
- **Innovative Housing Solutions/Cooperatives**
- **Source of Income and familial status protections**
- **Civil Rights Movement**
- **Strong Tenants' Rights Laws**
- **Generational Wealth and Health Creation**
- **Funding Care Providers**
- **Homes not Institutions**
- **Mobile Crisis Units**
- **Public Transportation**
- **Expunge Eviction Records**
- **Expansive Credit/Eligibility**

UNTAPPED FINANCIAL RESOURCES AND SOLUTIONS

- **Incorporate a Manufactured Home Zone that will cut down on speculation of mobile home parks (MHP) and make it more difficult to redevelop MHP**
- **Legalize Tiny House's on wheels as mobile ADUs - they just passed one in Utah and Oregon, so we can borrow their language.**



UNTAPPED FINANCIAL RESOURCES AND SOLUTIONS

- **Limit, regulate, or penalize real estate investors, flippers, and out of state buyers**
- **Adopt a “development with displacement” community-based planning process instead of developer/speculator driven process that shuts Idahoans out of being involved in the growth of their City (while displacing many of the economically vulnerable residents)**
- **Use city resources to litigate inclusionary zoning up to the Idaho Supreme Court on behalf of all cities in Idaho suffering with affordability issues**
- **End “Source of Income” discrimination**
- **Use adjusted AMI for income-restricted determination since it has been significantly driven up recent gentrification of wealthier newcomers displacing low-income Boiseans**

UNTAPPED FINANCIAL RESOURCES AND SOLUTIONS CONTINUED ...

72

**Get involved in financing
Resident-Owned Communities.**

**Adopt a “Tenant Bill of Rights”
or “Homes as a Human Right”
or “Housing as Healthcare”**

**Pass an ordinance prohibiting
discrimination against renters
with eviction histories and
criminal records**

**Establish more fee and security
deposit regulations**

**Enact a Tenant/Community
Opportunity to Purchase
Agreement (TOPA) provide
tenants (or city or nonprofit)
with advance notice that the
landlord is planning to sell and
provide a right of first refusal to
purchase the building**

**And other policies that help
create inclusive communities**

REASONABLE ACCOMMODATIONS AND MODIFICATIONS

Or, “Avoiding Discrimination by Treating People Differently”

WHO IS DISABLED AS DEFINED BY THE FAIR HOUSING ACT?

A person who (42 U.S.C. 3602 (h)(1)-(3)):

- has a physical or mental impairment that substantially limits one or more major life activities
- has a record of such impairment
- is regarded as having such an impairment
- broadly defined





WHY IT'S DIFFERENT

- Most of the time, Fair Housing requires you to treat everyone **the same way**
- Reasonable accommodations and modifications require you to treat people **differently**
- Only available based on disability, not on other protected classes

DOJ-HUD JOINT STATEMENT

- Reasonable Accommodations Under the Fair Housing Act, May 17, 2004
 - <https://www.justice.gov/crt/us-department-housing-and-urban-development>
 - Includes examples
 - A federal agency's interpretation of its own regulations is given great weight

ACCOMMODATIONS VS. MODIFICATIONS

ACCOMMODATION

- Changes in rules, policies, practices, or services, that are necessary because of someone's disability
- Housing provider bears any costs involved

MODIFICATIONS

- Changes to the premises
- Resident bears costs (unless the cost is really cheap or it's federally subsidized housing)
- Landlords can require tenant to remove interior modifications upon leaving unless it benefits everyone or was required to be constructed accessibly

HOW DO I
KNOW IF THEY
REALLY HAVE A
DISABILITY?

Sometimes it's obvious. If it's
obvious, you **can't** ask for proof.



AND IF IT ISN'T OBVIOUS?

You can ask for a letter from “reliable third party who is in a position to know about the individual’s disability”

- Doctor, social worker, counselor, case worker, or a family member

Letter verifies:

- Existence of the disability
- Reason for the accommodation or modification
- The person needs the accommodation or modification to have equal use of their housing

PROOF OF NEED FOR A REASONABLE ACCOMMODATION
(to be provided directly to verifier by resident)

have been contacted by _____ (name of resident) regarding his/her need for a reasonable accommodation. I have been informed that the accommodation he/she has requested is: _____

_____ (describe accommodation requested)

My relationship to the person requesting the accommodation is: _____ (describe the nature of our relationship to the resident, i.e. "doctor", "social worker", "therapist", etc.)

verify that he/she is disabled (or "handicapped," as defined below) (circle one): YES NO

understand the reasons for the requested accommodation (circle one): YES NO

verify that he/she needs the requested accommodation because of his/her disability, and that such an accommodation may be necessary to afford him/her the equal opportunity to use and enjoy his/her dwelling (circle one): YES NO

Signature _____ Date _____

Print name _____

"HANDICAP" IS DEFINED BY FEDERAL REGULATIONS (24 CFR §100.201) AS FOLLOWS:

Handicap" means, with respect to a person, a physical or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment. This term does not include current, illegal use of or addiction to a controlled substance. For purposes of this part, an individual shall not be considered to have a handicap solely because that individual is a transvestite. As used in this definition:

- "Physical or mental impairment" includes:
 - Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
 - Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.
- "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- "Is regarded as having an impairment" means:
 - Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation.
 - Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of other toward such impairment; or
 - Has none of the impairments defined in paragraph (a) of this definition but is treated by another person as having such an impairment.

IFHC's sample Proof of Need

PLEASE DON'T

01

Don't ask about the diagnosis, or any other questions about the nature or severity of the disability

02

Don't directly contact the person who fills out the Proof of Need form

03

Don't ask for a HIPAA release

04

Don't dilly-dally delays can be treated as denials

05

Don't charge a fee for an accommodation

WHEN CAN YOU TURN DOWN A REQUEST?

ACCOMMODATIONS

- The person doesn't have a disability
- The accommodation they're asking for isn't related to their disability
- The accommodation fundamentally changes the service you provide
- The accommodation is substantially overburdensome in comparison to the housing providers resources
- The accommodation poses a health or safety risk to people or property.

MODIFICATIONS

- The person doesn't have a disability
- The modification they're asking for isn't related to their disability
- The person didn't get required permits or did a shoddy job
- In federally subsidized housing, the accommodation is substantially overburdensome in comparison to the housing providers resources and the requester will not pay for or find funding to support the modification.
- In private housing the person will not pay for the accommodation



DON'T JUST SAY NO!

- Housing providers are required to have an interactive process: if you can't give them what they initially ask for, ask if there are other accommodations or modifications that might work

Commonly requested accommodations

- Additional time to move out for people with mobility impairments
- Waive a “no cosigners” rule for someone whose only source of income is disability
- Assigned parking spaces for people with parking cards
- Overlook a previous eviction or arrest if they happened during a period of untreated mental illness if the individual taken steps to eliminate the previous threat:
 - If individual has received intervening treatment of medication
- Allow a group home for people with disabilities to operate in a neighborhood that tries to prohibit them
- And, of course, animals.

Assistance animals

Or, “Animal Plans for an Animal Planet”



Department of Housing and Urban Development Fair Housing and Equal Opportunity Office Service and Assistance Animal Resources

In December of 2022, The Department of Housing and Urban Development Fair Housing and Equal Opportunity Office released The Assistance Animals and Fair Housing – Navigating Reasonable Accommodations suite of technical assistance (TA) products:

- A webinar
- A fact sheet
- An interactive tool on housing requests for assistance animals
- The Notice FHEO-2020-01: Assessing a Person’s Request to Have an Assistance Animal (January 28, 2020)
- The Joint Statement of HUD and DOJ on Reasonable Accommodations Under the Fair Housing Act.
- You can find these resources by visiting: [Assistance Animals and Fair Housing: Navigating Reasonable Accommodations Fact Sheet - HUD Exchange](#).

The Suite of TA products is designed to educate housing providers, HUD Grantees, representatives of entitlement communities, participating jurisdictions, public housing agencies, HUD counseling agencies, housing transactors, advocates, and people with disabilities.

HUD 2020 GUIDANCE



Animals as treatment

Not just for people who are blind any more: research shows benefits for people with PTSD, anxiety, diabetes, and other disabilities



Assistance dog for Marine veteran

Know the difference

SERVICE ANIMAL

- Rules apply to public spaces under Americans with Disabilities Act
- Must be dog or miniature horse
- Must be trained (either at home or professionally) to do something that an ordinary animal can't do


ASSISTANCE ANIMAL

- Rules apply to homes under the Fair Housing Act
- No species, breed, age, weight restrictions
- Can be more than one
- Don't need more training than an ordinary animal

**also called assistive animals, emotional support animals, or therapy animals.

Service Animal? Support Animal? Comfort animal?

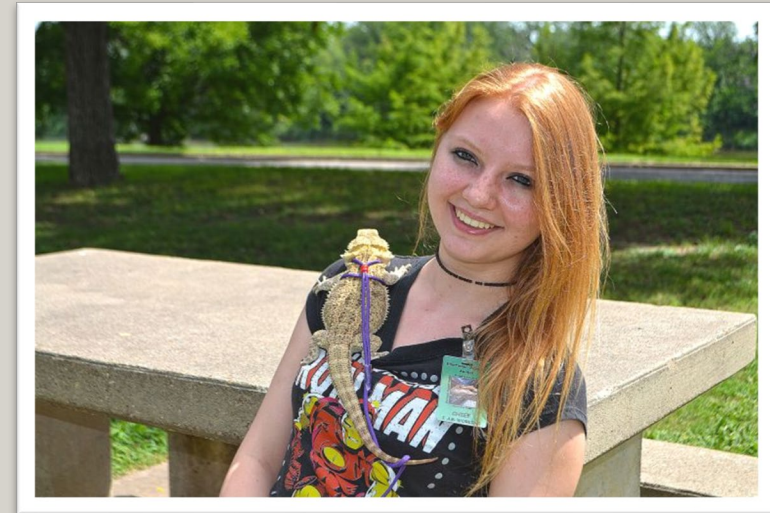
There is no distinction between any of these different types of animals when an individual requests that they be permitted to have one as a reasonable accommodation in housing.



Courts have repeatedly held that assistance animals are service animals and must be considered as reasonable accommodations for disabled individuals.

Assistance animal no-nos

- **Don't** charge a deposit or pet rent (remember, no fees for accommodations)
- **Don't** restrict species, breed, size, weight, or age
- **Don't** put unreasonable restrictions on the animal
- **Don't** require the proof of need to come from a particular provider
- **Don't** call the proof of need provider
- **Don't** put an unreasonably small cap on the number of animals (we know two birds and two cats are OK); case-by-case basis
- **Don't** treat people with disabilities differently or worse —meaning don't use black lighting, DNA testing, roommate vetoes, inspections, carpet cleaning fees—to single out people with disabilities because of their assistance animals.



Assistance lizards: every bit as valid as assistance dogs

Assistance animal OKs

- It's **OK** to bill someone for damages caused by an animal
- It's **OK** to require the resident to have a plan for dealing with animal waste
- It's **OK** to require an animal to be well-behaved



...they don't have to be *this* well-behaved, though

What if I think it's a scam?



- Scams do exist, but your resident is as much a victim as you are
- Be able to document particular reasons why you think the proof of need is untrustworthy
- If the proof of need turns out to be untrustworthy, give the resident the chance to check with another proof of need provider

I'd love to allow the animal, but...

- HOAs, cities, and insurance companies are also subject to the Fair Housing Act
- If an HOA rule, city ordinance, or insurance policy is standing between your resident and their animal, you can request an accommodation from them, too



May a provider restrict where an ESA may be present

- An individual with a disability who has an assistance animal can take the animal in all areas of the premises where persons are normally allowed to go unless doing so would impose an undue financial and administrative burden or would fundamentally alter the nature of the housing provider's services
- Cannot prohibit individual with disability from taking assistance animal into the common areas of the property



Best Practices



We are not their doctor
or counselor

Doctors and counselors
know their patients

Doctors and counselors
get to decide whether
particular patients need
particular animals not
us

If visitors/guests need
assistance animals,
they get to visit

Don't dilly-dally, outright
say no, or ignore

Engage in an
interactive dialogue

Document, document

Element 4

Did the Discriminatory Act Happen within the Statute of Limitations?

If you are a victim of Discrimination, IFHC can Help You File a Complaint with HUD

1. Complaints must be filed through the HUD administration process within one (1) year of the date of discrimination.
2. If HUD finds there is reasonable cause (there was discrimination), then a charge will be issued and may:
 - Go to trial before an administrative law judge
 - Go to court where the complaint will be represented by the Justice Department

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/online-complaint



Or WE can Help You File in court



Private attorneys may file a suit within two (2) years of the alleged violation



Can be filed at the same time as a complaint filed with HUD



Can file a suit even if HUD did not take action on the complaint



May include more monetary damages, equitable relief, relief in the public interest

Things to Celebrate...



Fair Housing Celebrations:

- FH Groups, NAR and BRR are training on the FHA using the Newsday Investigation
 - [Undercover investigation reveals evidence of unequal treatment by Long Island real estate agents – Newsday](#)
 - [Long Island Divided: Inside LI agents' training - Newsday](#)
- Realtors, civil rights groups, leaders partnered with us to remove racial covenants from deeds and CCRs and create FHA Basics Training
- [Section 55-616 – Idaho State Legislature](#)
- [Removing racial covenants in Idaho | Boise State Public Radio](#)
- [Delete Discrimination Grant Program - Boise Regional REALTORS \(boirealtors.com\)](#)

Things to Celebrate...



Fair Housing Celebrations:

- **Realtors and IFHC exercise their FH Rights** to create affordable, inclusive housing for people with disabilities – *Diamond House v. City of Ammon*. On May 15, 2020, the Court ordered the City of Ammon to pay \$600,000.00 to Tornkvist/Diamond House, and 57,000.00 for attorneys' fees to IFHC, and the Ammon could not enforce the discriminatory ordinance.
- **Realtors are staying away from the use of Love Letters to address fair housing concerns**
 - [Love Letters or Liability Letters? \(nar.realtor\)](https://www.nar.realtor/love-letters-or-liability-letters/)
- **NAR Code of Ethics is More Inclusive than the FHA**
 - [The Code of Ethics \(nar.realtor\)](https://www.nar.realtor/code-of-ethics/)
 - Article 10 of NAR's Code of Ethics prohibits REALTORS® from discriminating based on sexual orientation and gender identity. Demonstrating a commitment to providing equal treatment is also a smart business move.

Be a Fair Housing Provider...

- Create generational wealth opportunities
 - Subsidized Housing
 - Supportive Housing
 - Fair rent and rules
 - Market Rate Housing
 - Homeownership
- By accepting ERAP, Section 8, other vouchers, other sources of income, you help:
 - Families
 - Elders
 - People with Disabilities
 - People experiencing Domestic Violence
 - People living with HIV/AIDS
 - People experiencing homelessness

Where we can help each other

- Providing training opportunities for landlords, property managers, government agencies, homeowners' associations, real estate agents, and residents
- Fighting discrimination by buyers, sellers, landlords, HOAs, cities, insurance companies, and neighbors
- Sharing sample forms and position statements
- Sharing resources on building housing for people at all levels of income
- Preventing and alleviating homelessness
- Promoting new and inclusive housing

Intermountain Fair Housing
Council

Concilio de Vivienda Justa

Phone: 208-383-0695

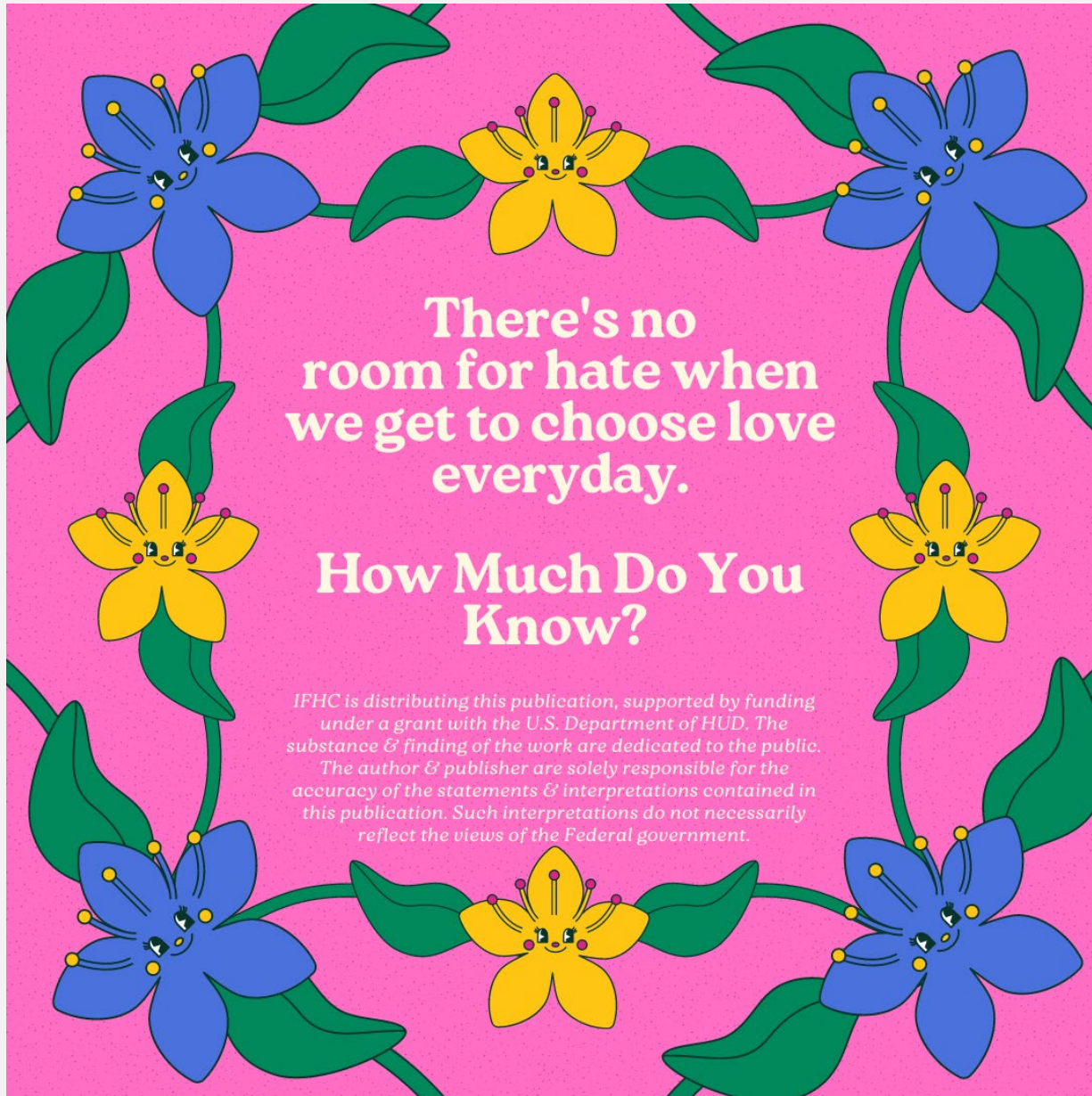
Fax: 208-383-0715

contact@ifhcidaho.org

QUESTIONS?



**You can do a
world of good.
Be a FAIR
housing
provider.**



Second Question...

Scale 0 to 5 what is your knowledge of the Fair Housing Act?



Please scan for a survey regarding this training.

Thank you,

City of Moscow