

THE STATE OF
FAIR HOUSING

FY 2008
ANNUAL REPORT ON
FAIR HOUSING



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT





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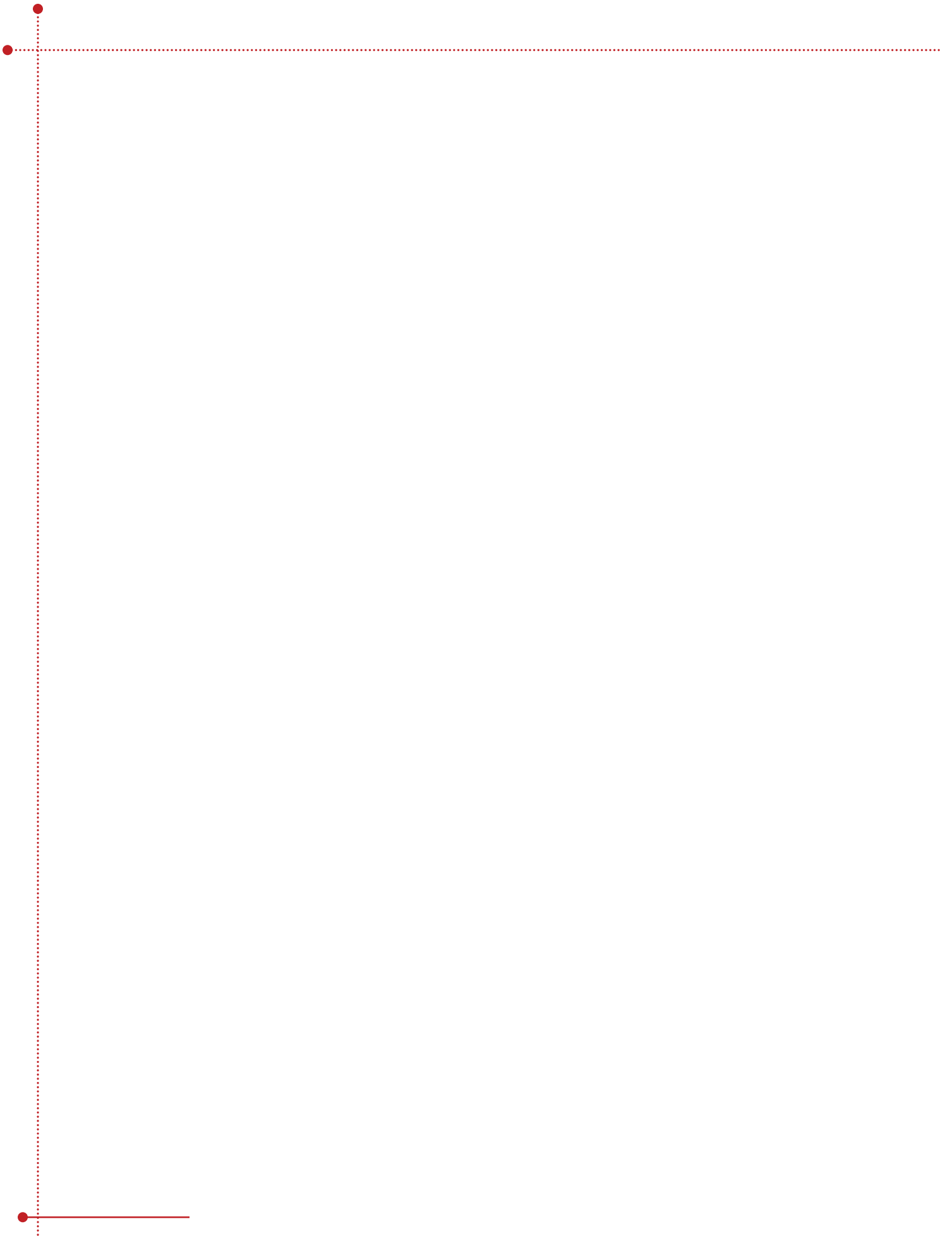
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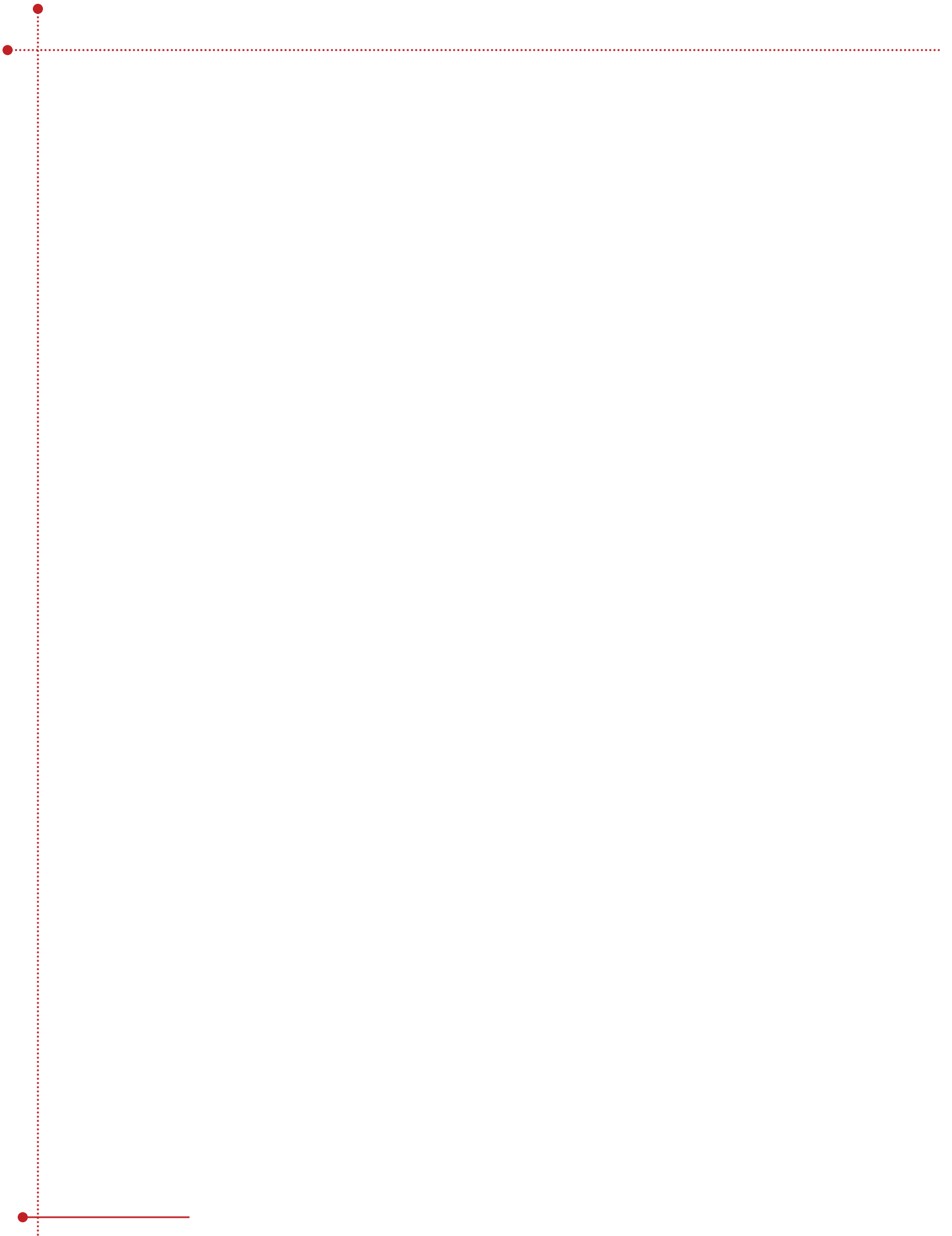


ABOUT THIS REPORT

This report was prepared in accordance with Sections 808(e)(2) and (6) of the Fair Housing Act and Section 561(j) of the Housing and Community Development Act of 1987. These statutory mandates require the Secretary of Housing and Urban Development to report annually to Congress on several aspects of HUD's work in fair housing. In particular:

- Section 808(e)(2) of the Fair Housing Act directs HUD to report on the “nature and extent of progress made nationally in eliminating discriminatory housing practices and furthering the purposes of [the Fair Housing Act], obstacles remaining to achieving equal housing opportunity, and recommendations for further legislative or executive action.” It also directs HUD to report on the number of instances in which steps in the complaint process—including investigating a complaint, making a determination of cause, commencing an administrative hearing, or issuing a decision—were not completed as prescribed by law.
- Section 808(e)(6) of the Fair Housing Act requires that HUD annually report data to Congress on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of programs administered by HUD, to the extent that such characteristics are within the coverage of the provisions of the civil rights laws and executive orders listed in Section 808(f) .
- Section 561(j) of the Housing and Community Development Act of 1987 requires HUD to report on the progress made in accomplishing the objectives of the Fair Housing Initiatives Program, including a summary of enforcement, education, and outreach activities funded under the program.

This report provides information on the foregoing activities for the period beginning October 1, 2007, and ending September 30, 2008.



EXECUTIVE SUMMARY

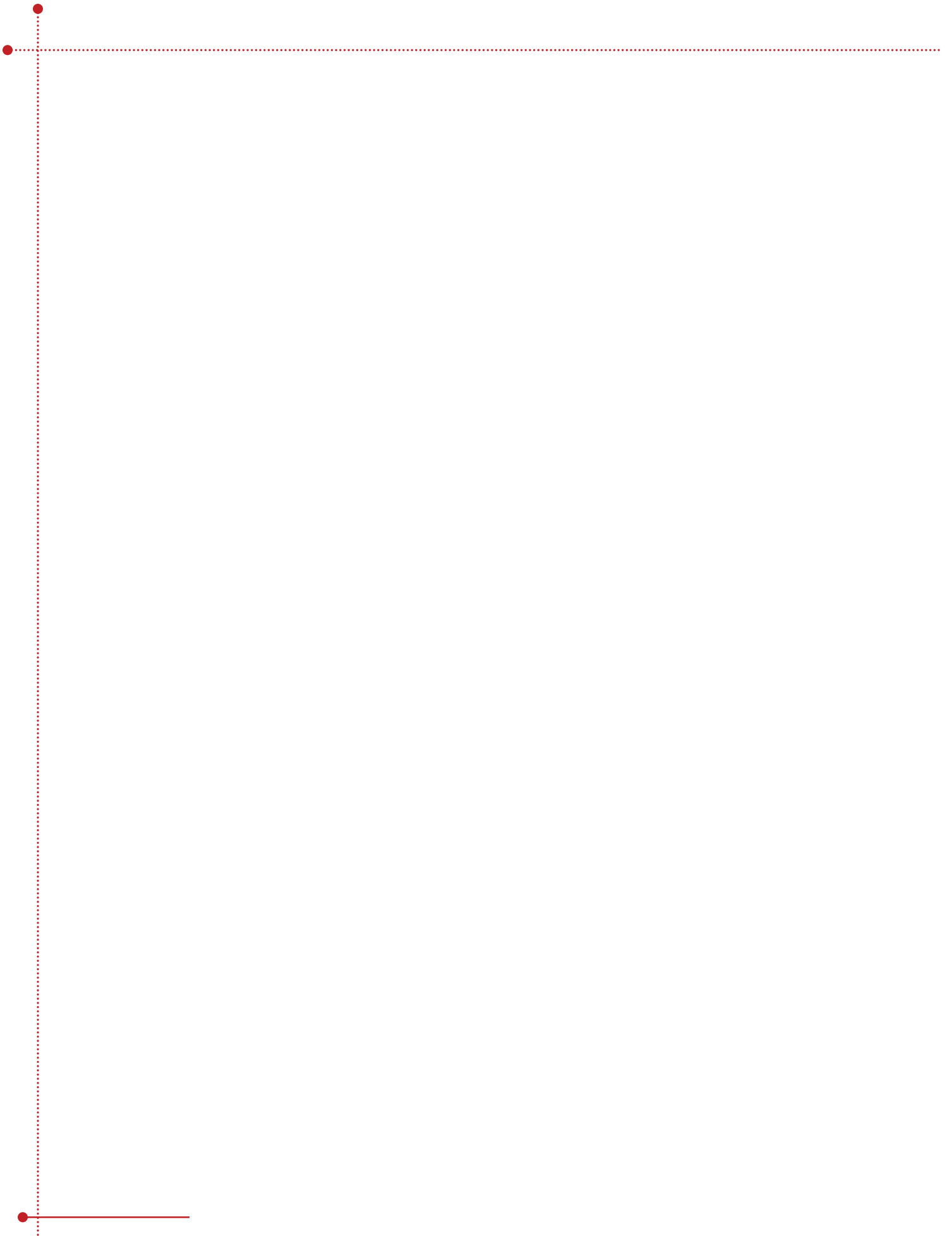
The Fiscal Year (FY) 2008 Annual Report on Fair Housing describes HUD's activities that help individuals who have experienced unlawful housing discrimination and that educate housing professionals and the public on fair housing laws. This report includes information on the number and types of housing discrimination complaints filed with HUD and Fair Housing Assistance Program (FHAP) agencies, which are state and local government agencies that HUD has certified as enforcing laws that are substantially equivalent to the federal Fair Housing Act. In addition, it includes several case summaries that show the breadth of cases filed. The following are a few notable examples of HUD's efforts in FY 2008 to promote fair housing.

Enforcement

- HUD and FHAP agencies received a record-breaking combined total of 10,552 housing discrimination complaints. The most common basis of complaints was disability and the most common allegation was discrimination in the terms, conditions, privileges, services, or facilities of the sale or rental of housing. Over the past 4 years, the number and types of complaints have held relatively constant. The minor trends of note have been a slight increase in disability complaints and a slight decrease in race complaints between FY 2005 and FY 2008.
- HUD filed 5 Secretary-initiated complaints and conducted an additional 4 Secretary-initiated investigations. These included complaints against housing providers for discriminating on the basis of race, national origin, and familial status.
- HUD certified one new state (Oregon) and one new locality (Westchester County, New York) as jurisdictions that enforce laws that are substantially equivalent to the federal Fair Housing Act, bringing the total to 108 FHAP jurisdictions in 39 states and the District of Columbia.

Education and Outreach

- HUD launched a campaign to educate the public on fair lending, which included a television and radio public service announcement (PSA), public forums in 12 cities, and posters in Arabic, Chinese, English, Korean, Russian, Spanish, and Vietnamese. The PSA was played more than 58,000 times on radio and television stations nationwide, reaching more than 53.5 million listeners and viewers, and it was broadcast in 32 movie theaters, on 595 screens, to more than 1.1 million people during the week of July 18-24, 2008.
- During FY 2008, Fair Housing Initiatives Program (FHIP) grant recipients conducted 1,783 public events that provided 296,641 persons with fair housing information. These activities were mostly funded with grants awarded in FY 2007.
- Fair Housing Accessibility FIRST, a FHIP-funded training program, held 22 training sessions in 18 states. These sessions trained 1,724 individuals on the Fair Housing Act's design and construction requirements for multifamily housing.



THE STATE OF FAIR HOUSING

FY 2008 was another record-breaking year for HUD's fair housing enforcement activity. HUD and state and local government agencies that are certified under the Fair Housing Assistance Program (FHAP) received a record number of housing discrimination complaints. HUD and FHAP agencies also resolved a record number of complaints. The resolutions of many of these complaints helped promote housing opportunities and secure reasonable accommodations, reasonable modifications, and monetary relief for persons who believe they have experienced discrimination.

HUD and DOJ Issue Questions and Answers on Reasonable Modifications Under the Fair Housing Act

On March 5, 2008, HUD and the U.S. Department of Justice (DOJ) issued, in a question-and-answer format, detailed information on the rights and obligations of persons with disabilities and housing providers under the Fair Housing Act relating to reasonable modifications. This guidance is available at <http://www.hud.gov/fairhousing>.

FY 2008 was also a year of notable enforcement achievements. HUD reached several milestones in its enforcement of the Fair Housing Act. HUD issued charges of discrimination in complaints that covered a broad range of issues, including one that was an issue of first impression for the Department. This complaint resulted in the issuance of HUD's first charge of discrimination alleging same-sex sexual harassment. Additionally, HUD issued charges of discrimination in a range of disability complaints. For example, HUD issued charges of discrimination in complaints involving a retirement community that allegedly prohibited the use of motorized wheelchairs and motorized scooters in dwelling units; a complaint concerning an emotional support animal for a boy with Asperger's Syndrome; a complaint involving a key to the trash disposal room for a woman with fibromyalgia; and a complaint about a footbridge for a woman with a physical impairment.

Also in FY 2008, HUD reached a milestone with its enforcement efforts in Puerto Rico. In February, HUD issued its first charge of discrimination in the Commonwealth, and went on to issue three more charges of discrimination there during the year.

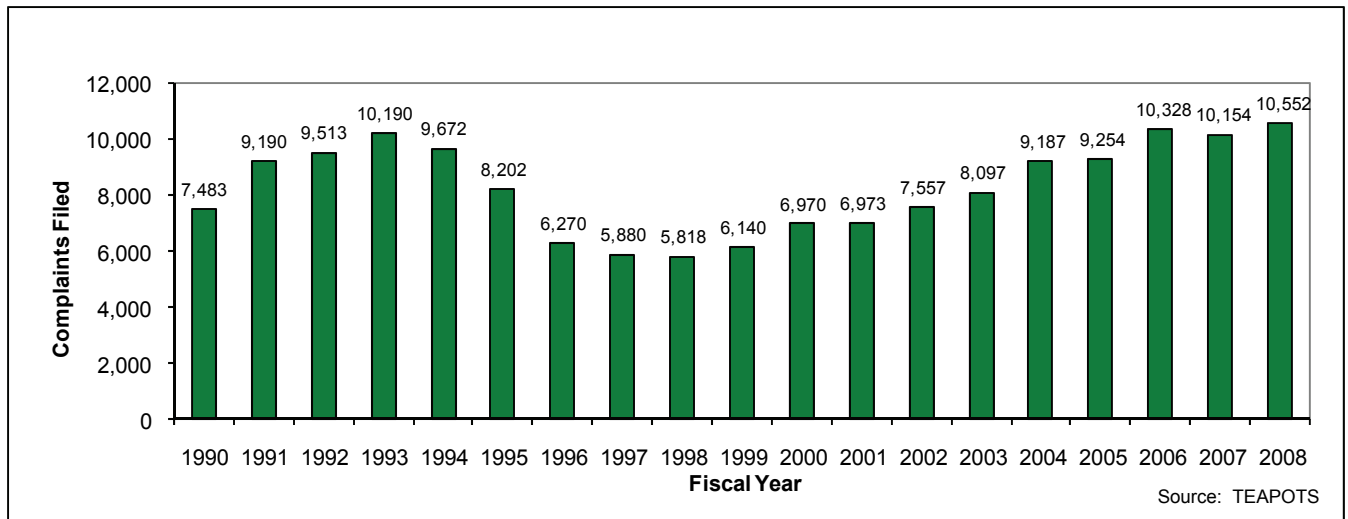
HUD also continued to conduct a significant number of enforcement activities against landlords who discriminate against families with children. HUD filed 5 Secretary-initiated complaints, each alleging discrimination against families with children. HUD also charged one Secretary-initiated familial status case and successfully negotiated conciliation agreements in 2 others. These conciliation agreements obtained significant monetary and other relief for the affected families.

Housing Discrimination Complaints

This section provides information on the number and types of housing discrimination complaints filed with HUD and FHAP agencies. While these numbers give us an idea of the nature and extent of housing discrimination, we know from recent HUD studies that only a fraction of instances of housing discrimination are reported to government agencies.¹

Chart 1 shows the total number of housing discrimination complaints filed with HUD and FHAP agencies since the establishment of an administrative enforcement process under the Fair Housing Amendments Act of 1988.

Chart 1: Complaints Filed with HUD and FHAP Agencies (FY 1990-FY 2008)



In FY 2008, HUD and FHAP agencies received a combined 10,552 housing discrimination complaints—the highest number of complaints filed in a single fiscal year. This was the third year in a row that HUD and FHAP agencies received more than 10,000 complaints. Prior to this, the only other fiscal year in which HUD and FHAP agencies received more than 10,000 housing discrimination complaints was FY 1993.

¹ Abravanel, M.D., and Cunningham, M.K. (2002). *How Much Do We Know? Public Awareness of the Nation's Fair Housing Law*. Prepared by The Urban Institute for the Office of Policy Development and Research. Washington, DC: U.S. Department of Housing and Urban Development. Available at <http://www.huduser.org>; and Abravanel, M.D. (2006). *Do We Know More Now? Trends in Public Knowledge, Support and Use of Fair Housing Law*. Washington, DC: U.S. Department of Housing and Urban Development, Office of Policy Development and Research. Available at <http://www.huduser.org>.

All complaints filed must allege a basis for discrimination. The Fair Housing Act lists seven prohibited bases for discrimination: race, color, national origin, religion, sex, disability, and familial status. The Fair Housing Act also creates a cause of action for people who are retaliated against for exercising their fair housing rights.

Table 1 shows the number of complaints filed with HUD and FHAP agencies that alleged a violation on each basis. If a single complaint alleged multiple bases, it was counted under each basis alleged.

Table 1: Bases of HUD and FHAP Complaints (FY 2005-FY 2008)

Basis	FY 2005		FY 2006		FY 2007		FY 2008	
	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total
Disability	3,766	41%	4,110	40%	4,410	43%	4,675	44%
Race	3,472	38%	4,043	39%	3,750	37%	3,669	35%
Familial Status	1,414	15%	1,433	14%	1,441	14%	1,690	16%
National Origin	1,225	13%	1,427	14%	1,299	13%	1,364	13%
<i>National Origin—Hispanic or Latino</i>	860	9%	931	9%	784	8%	848	8%
Sex	961	10%	997	10%	1,008	10%	1,133	11%
Religion	218	2%	258	2%	266	3%	339	3%
Color	142	2%	154	1%	173	2%	262	2%
Retaliation	452	5%	577	6%	588	6%	575	5%
Number of Complaints Filed	9,254		10,328		10,154		10,552	
Percentages do not total 100 percent because complaints may contain multiple bases. Percentages are rounded to the nearest whole number.								

Source: TEAPOTS

Table 1 shows that the share of complaints filed under each basis has remained relatively stable during the past 4 fiscal years, with a few notable exceptions. From FY 2005 to FY 2008, the most notable changes in shares of complaints occurred in the categories of disability and race. The share of disability complaints increased by 3 percentage points, approximately 300 complaints per year. Meanwhile, the share of race complaints decreased by 3 percentage points. It should be noted that the increase in disability complaints is not related to the decrease in race complaints despite the fact that these two events occurred simultaneously.

Table 1 shows that disability and race were the most common bases of complaints filed with HUD and FHAP agencies in the past 4 fiscal years. In FY 2008, disability was cited as a basis for 4,675 complaints, or 44 percent of the overall total. Race was the second most common basis of complaints, having been cited as a basis for 3,669 complaints, or 35 percent of the overall total.

Familial status and national origin were the next most common bases of complaints filed with HUD and FHAP agencies in the past 4 fiscal years. In FY 2008, familial status was cited as a basis for 1,690 complaints, or 16 percent of the overall total. National origin was cited as a basis for 1,364 complaints, or 13 percent of the overall total.

Retaliation, religion, and color were the least common bases of complaints filed with HUD and FHAP agencies in the past 4 fiscal years. In FY 2008, retaliation was cited as a basis for 575 complaints, or 5 percent of the overall total; religion was cited as a basis for 339 complaints, or 3 percent; and color was cited as a basis for 262 complaints, or 2 percent.

The National Fair Housing Training Academy

Established in 2004, the National Fair Housing Training Academy is the leading institution that provides fair housing education and training. HUD created the academy to provide the approximately 500 full-time investigators employed by Fair Housing Assistance Program (FHAP) agencies with the necessary skills to conduct thorough and timely investigations. The academy is located in Washington, DC.

The academy offers a 5-week training and certification program and continuing education courses that are taught by some of the foremost experts in fair housing. The first 2 weeks of the program cover fair housing laws, investigations, discovery techniques, evidence, and professional ethics. The third week covers theories of proof, data analysis, negotiation skills, and interviewing techniques; the fourth week covers investigative skills, testing cases, and briefing techniques; and the fifth week covers documenting cases in the HUD database and litigating fair housing cases.

The academy also offers continuing education courses on complex fair housing issues, such as lending discrimination and predatory lending. The course descriptions are available at the training academy website, <http://www.nfhta.net>.

After completing the 5-week program, the investigators must pass a comprehensive examination in order to receive certification from the academy. In FY 2008, 81 FHAP investigators received certification from the academy. In total, 251 FHAP investigators have received certification from the academy since it opened in FY 2004.



National Fair Housing Policy Conference



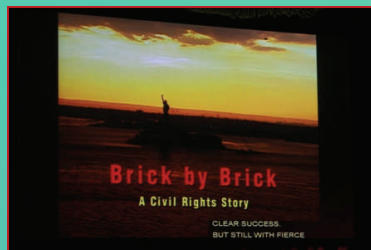
From April 8-11, 2008, HUD hosted its National Fair Housing Policy Conference in Atlanta. The conference drew more than 1,000 attendees from HUD, state and local governments, and fair housing groups.

The conference theme, “On the Sunlit Path,” was adopted from Dr. Martin Luther King, Jr.’s “I Have A Dream” speech. Dr. King once said, “Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice.” This theme recognized the civil rights movement’s accomplishments and the work still ahead.



The conference began with a wreath laying ceremony at the King Memorial. The conference featured plenary sessions and breakout sessions on a variety of topics, including racial discrimination and inclusive neighborhoods, accessible housing for persons with disabilities, and lending discrimination. These sessions included speakers from HUD, the U.S. Department of Justice, state and local governments, private law firms, housing industry groups, civil rights groups, and educational institutions.

The conference also featured acclaimed authors Kevin Boyle (*Arc of Justice: A Saga of Race, Civil Rights, and Murder in the Jazz Age*), Elliot Jaspin (*Buried in the Bitter Waters: the Hidden History of Racial Cleansing in America*), and Nathan McCall (*Them*).



All complaints must specify the discriminatory actions that allegedly violated or would violate the Fair Housing Act or substantially equivalent state or local fair housing law. HUD and FHAP agencies record these discriminatory practices in overarching categories known as “issues.”

Table 2 shows the number of complaints filed with HUD and FHAP agencies from FY 2005 to FY 2008 broken down by issue. After each issue, the section of the Fair Housing Act prohibiting the activity is referenced.

Table 2: Issues in HUD and FHAP Complaints (FY 2005-FY 2008)

Issue	FY 2005		FY 2006		FY 2007		FY 2008	
	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total
Refusal to Sell § 804(a) and § 804(f)(1)	371	4%	288	3%	234	2%	214	2%
Refusal to Rent § 804(a) and § 804(f)(1)	2,276	25%	2,634	26%	2,649	26%	2,697	26%
Steering § 804(a) and § 804(f)(1)	86	1%	86	1%	76	1%	64	1%
Discriminatory Terms, Conditions, Privileges, Services, and Facilities in the Rental or Sale of Property § 804(b) and § 804(f)(2)	5,240	57%	6,005	58%	5,922	58%	5,862	56%
Discriminatory Notices, Statements, or Advertisements § 804(c)	640	7%	541	5%	593	6%	828	8%
False Denial or Representation of Availability § 804(d)	249	3%	236	2%	251	2%	303	3%
Failure to Permit a Reasonable Modification § 804(f)(3)(A)	160	2%	124	1%	169	2%	205	2%
Failure to Make a Reasonable Accommodation § 804(f)(3)(B)	1,665	18%	1,896	18%	2,094	21%	2,401	23%
Non-Compliance with Design and Construction Requirements § 804(f)(3)(C)	333	4%	228	2%	195	2%	176	2%
Discriminatory Financing § 805(a)	523	6%	552	5%	411	4%	324	3%
Redlining § 804(b) and § 805(a)	14	<0.5%	4	<0.5%	12	<0.5%	8	<0.5%
Refusal to Provide Insurance § 804(a) and § 804(b)	4	<0.5%	3	<0.5%	3	<0.5%	5	<0.5%
Coercion or Intimidation, Threats, Interference, and Retaliation § 818	1,192	13%	1,354	13%	1,477	15%	1,402	13%
Number of Complaints Filed	9,254		10,328		10,154		10,552	
Percentages do not total 100 percent because complaints may contain multiple issues. Percentages are rounded to the nearest whole number.								

Source: TEAPOTS

Table 2 shows that the share of complaints filed under each issue has remained relatively stable during the past 4 fiscal years, with a few notable exceptions. Between FY 2005 and FY 2008, the issue that experienced the most notable change in share of complaints was “failure to make a reasonable accommodation.” That category increased by 5 percentage points, or, in raw numbers, by an average of about 200 complaints per year—except for the last year, which saw an increase of around 300 reasonable accommodation complaints. In FY 2008, “failure to make a reasonable accommodation” was alleged in 2,401 complaints, or 23 percent of the overall total.

There were two issue categories that experienced a steady decrease in complaints during the past 4 fiscal years. From FY 2005 to FY 2008, the share of complaints that alleged refusal to sell decreased by 2 percentage points, or, in raw numbers, by an average of about 50 complaints per year. In FY 2008, refusal to sell was alleged in 214 complaints, or 2 percent of the overall total. The share of complaints alleging noncompliance with the design and construction requirements of the Fair Housing Act also decreased by 2 percentage points during this period, or, in raw numbers, by an average of about 50 complaints per year. In FY 2008, noncompliance with the design and construction requirements of the Fair Housing Act was alleged in 176 complaints, or 2 percent of the overall total.

Discriminatory financing was the only other issue that experienced a notable decrease in share of complaints during the past 4 fiscal years. From FY 2005 to FY 2008, the share of complaints that alleged discriminatory financing decreased by 3 percentage points. This reflected a 38 percent decrease in complaints. In FY 2008, discriminatory financing was alleged in 324 complaints, or 3 percent of the overall total.

Table 2 shows that discrimination in the terms, conditions, privileges, services, and facilities in the rental or sale of property was the most common issue in complaints filed with HUD and FHAP agencies in the past 4 fiscal years. In FY 2008, this issue was alleged in 5,862 complaints, or 56 percent of the overall total. Refusal to rent was the second most common issue in housing discrimination complaints, having been alleged in 2,697 complaints, or 26 percent of the overall total. The third most common issue in complaints filed with HUD and FHAP agencies was failure to make a reasonable accommodation (23 percent), followed by interference, coercion, or intimidation (13 percent). The fifth most common issue in complaints filed with HUD and FHAP agencies was discriminatory notices, statements, or advertisements (8 percent). The remaining issue categories each accounted for 3 percent or less of the overall total of complaints.

In FY 2008, HUD and FHAP agencies closed 11,189 housing discrimination complaints—a record number of complaints closed in a single fiscal year. HUD and FHAP agencies made a determination on the merits of the complaints in 54 percent of those complaints and reached a voluntary resolution in 29 percent of them. The remaining complaints were closed for administrative reasons. Sprinkled throughout this report are some noteworthy examples of complaints that were closed during FY 2008.

HUD Issues Guidance on Accessibility to Public Housing Authorities

On September 29, 2008, HUD issued guidance to public housing authorities on complying with the accessibility requirements of Section 504 of the Rehabilitation Act of 1973 and its implementing regulations. This guidance provides clarification on the most common issues related to compliance with Section 504, such as the definition of “accessible;” the percentage of units that are required to be accessible; and the standards used to measure accessibility. This guidance also provides a list of possible funding sources for public housing authorities to construct, rehabilitate, or alter housing and related facilities so that they are accessible.

Notable Enforcement Achievements

In FY 2008, HUD issued charges of discrimination in complaints that covered a broad range of issues, including one that was an issue of first impression for the Department.

HUD issued its first charge of discrimination in a case that alleged same-sex sexual harassment. The complaint was filed by two male roommates who alleged that the male property owner and the male maintenance worker at a Mississippi rental property where they lived subjected one of the roommates to unwelcome verbal and physical advances that were sexual in nature. The victim called the police department numerous times to report that he was being sexually harassed, but each time he called, the police department stated that the conduct did not violate state or local law because the alleged harassment was between two males. Meanwhile, the owner of the property allegedly told the victim that he did not want the police involved, and threatened to evict the roommates if the victim reported the property owner to the authorities. Shortly thereafter, the owner issued an eviction notice. On June 2, 2008, HUD issued a charge of discrimination against the owner and maintenance worker.

HUD also issued charges of discrimination in a broad range of disability complaints. A few notable cases are listed below.

- HUD Issues Charges of Discrimination Against Indiana Retirement Community for Prohibiting the Use of Motorized Wheelchairs and Motorized Scooters (HUD v. Rathbone Retirement Community)
Two former residents of Rathbone Retirement Community who use motorized wheelchairs and/or motorized scooters because they suffer from physical disabilities that substantially limit their ability to walk and operate a manual wheelchair filed complaints with HUD. While these two men resided at Rathbone, the retirement community issued a notice that prohibited the use of motorized wheelchairs and motorized scooters in the dining room and the residents' apartments. After the policy was instituted, Rathbone evicted one of the men for failing to comply with the policy; the other gentleman moved out because of the policy. HUD determined that Rathbone's policy of prohibiting the use of motorized wheelchairs or motorized scooters constituted discrimination based on disability. On September 25, 2008, HUD issued charges of discrimination in both complaints. On November 7, 2008, the U.S. Department of Justice filed a complaint in the U.S. District Court for the Southern District of Indiana.
- HUD Issues Charge of Discrimination Against New York Cooperative for Refusing to Allow an Emotional Support Animal for an Autistic Child (HUD v. The Townsend House Corp.)
This complaint was filed by the parents of an 11-year-old boy with Asperger's Syndrome and Central Auditory Processing Disorder. The family lived in Townsend House, a New York City cooperative apartment building. When the parents requested a reasonable accommodation to the management's "House Rules" prohibiting dogs and other pets so that their son could have an emotional support animal, the co-op allegedly required an independent medical evaluation of the boy's disability and a pet license agreement that contained a number of restrictive provisions. These included requirements that the complainants obtain a \$1 million liability insurance policy and that the dog could not be left alone in the apartment for more than 2 consecutive hours. The boy's parents objected to the pet license agreement and provided alternate language, but the co-op refused to make the changes that they requested. Furthermore, the co-op billed the family for its legal counsel, as well as for the costs associated with the independent medical evaluation of the child. HUD determined that the response to their request and that the unreasonable restrictions placed on the complainants constituted a discriminatory refusal to make a reasonable accommodation. On September 29, 2008, HUD issued a charge of discrimination against Townsend House Corp. On November 12, 2008, the U.S. Department of Justice filed a complaint in the U.S. District Court for the Southern District of New York.

- HUD Issues Charge of Discrimination Against a Puerto Rico Apartment Complex for Failing to Provide a Resident with a Disability with a Reasonable Accommodation to Use Garbage Disposal Room (HUD v. Cooperativa Jardines de San Ignacio)

This complaint was filed by a woman who suffers from fibromyalgia, a condition that substantially limited her ability to walk, resulting in her often being unable to leave her apartment. She lives in a cooperative apartment building in San Juan, Puerto Rico. When the cooperative informed residents that the garbage disposal rooms located on each floor would be closed, and that residents would be expected to dispose of their garbage in dumpsters located outside the building, the resident requested that her garbage be picked up from her apartment or that she be provided with a key to the garbage disposal room as a reasonable accommodation based on her disability. Eight months after she requested the reasonable accommodation and 4 months after she filed a complaint with HUD, the co-op agreed to provide her with a key to the garbage room on her floor. HUD determined that the co-op's refusal to timely make a reasonable accommodation for her disability violated the Fair Housing Act. On August 5, 2008, HUD issued a charge of discrimination. On January 12, 2009, the parties agreed to resolve the complaint by entering into a consent order issued by a HUD administrative law judge. The order requires the respondent to pay the complainant \$10,000 in damages, submit a written apology to the complainant, implement a reasonable accommodation policy, and attend fair housing training.

- HUD Issues Charge of Discrimination Against Texas Subdivision for Refusing to Let a Resident with a Disability Keep an Existing Footbridge that Would Allow her to Directly Access her Mailbox (HUD v. Air Park – Dallas Zoning Committee, Crow-Billingsley Air Park, Ltd., et al.)

This complaint was filed by a woman with a physical impairment who had a footbridge installed at the front of her property so that she could cross a drainage ditch in order to get to her mailbox. The subdivision's zoning committee contended that the footbridge extended beyond her property, into common or shared property, and ordered her to remove it. The zoning committee even filed a lawsuit against her husband for violating applicable restrictive covenants by installing the footbridge. HUD's investigation found that many other residents had structures that extended as far as the complainant's footbridge, ranging from a flagpole, to trees and shrubbery. The investigation also found that these other structures were erected without prior authorization from the zoning committee and that the zoning committee had not sued any of these residents over the location of these structures. HUD determined that the respondents' refusal to allow the existing footbridge constituted a discriminatory refusal to make a reasonable accommodation. On March 4, 2008, HUD issued a charge of discrimination against the respondents. On April 24, 2008, the U.S. Department of Justice filed a complaint in the U.S. District Court for the Eastern District of Texas.

Additionally, HUD reached a milestone with its enforcement in Puerto Rico: issuing its first four charges of discrimination there. These complaints each alleged discrimination on the basis of disability in a wide range of issues. These complaints involved: a 6-year-old boy who uses a wheelchair and whose mother was denied an accessible parking space near the family's apartment; a mobility-impaired couple who were denied accessible parking spaces near their apartment; an elderly man with a mobility impairment who was told that he had to remove the balustrades the developer had constructed to prevent him from slipping and falling on the front steps of his house; and, as detailed above, a woman with fibromyalgia who was not timely provided with a reasonable accommodation that would allow her to more easily dispose of her garbage in her apartment complex.

These charges received significant news coverage in Puerto Rico, resulting in increased interest among housing providers to learn about their responsibilities under the Fair Housing Act, particularly with regard to persons with disabilities.

HUD also continued to conduct a significant number of enforcement activities against landlords who discriminate against families with children. In FY 2008, HUD filed 5 Secretary-initiated complaints, each of which alleged discrimination against families with children. This included a complaint against Cornerstone Residential Management, Inc., a large multifamily housing developer. HUD also successfully negotiated conciliation agreements in 2 Secretary-initiated complaints against housing providers in Las Vegas, Nevada, obtaining significant monetary relief and other relief for the affected families. Additionally, HUD issued a charge of discrimination in a Secretary-initiated complaint against owners of an apartment building in Scranton, Pennsylvania, for refusing to rent to families with children. For more information on these complaints, see the “Secretary-Initiated Enforcement” section.

Fair Housing Education in America Day

On April 16, 2008, HUD held its first-ever “Fair Housing Education in America Day.” This event used a lesson plan and interactive games to give students, teachers, and parents a basic understanding of the Fair Housing Act. Over 1,000 students in approximately 60 elementary and middle schools participated in this event.



Court Decisions Affecting Fair Housing Cases

Although HUD and FHAP agencies handled consistently high numbers of housing discrimination complaints during FY 2008, some of their enforcement activities were affected by several recent court decisions.

On May 13, 2008, an en banc panel of the United States Court of Appeals for the Ninth Circuit issued its opinion in Garcia v. Brockway, 526 F.3d 456 (9th Cir. 2008) (en banc), which addressed the issue of when the statute of limitations begins to run in cases alleging that builders have failed to design and construct housing in accordance with the Fair Housing Act’s requirements for accessible housing. The *en banc* Court held that the 2-year statute of limitations for Fair Housing Act design and construction cases begins to run when the last certificate of occupancy is issued. The Ninth Circuit’s decision is contrary to HUD’s view that design and construction violations continue to exist, and that the statute of limitations does not begin to run until the violations have been corrected. This decision impacted HUD’s processing of fair housing complaints in that HUD may no longer accept complaints filed within the Ninth Circuit if the last occupancy certificate was issued more than one year before the attempted filing. (The administrative statute of limitations is one year.)

On March 14, 2008, the United States Court of Appeals for the Seventh Circuit issued its ruling in Chicago Lawyers Comm. for Civil Rights Under Law, Inc. v. Craigslist, Inc., 519 F.3d 666 (7th Cir. 2008), which concerned the Fair Housing Act and the Communications Decency Act (CDA). The court held that the CDA protects website operators from Fair Housing Act liability for advertisements placed on their websites by others. The Chicago Lawyers Committee alleged that Craigslist, which posts online classified advertisements, violated the Fair Housing Act’s prohibition on discriminatory statements by publishing advertisements for housing that indicated a discriminatory preference or limitation based on protected class. The Court of Appeals held that Craigslist was immunized by the CDA and was not subject to the Fair Housing Act, since it did not post the statements or cause them to be posted, but rather acted merely as a messenger.

The United States Court of Appeals for the Ninth Circuit issued a decision concerning the CDA in Fair Housing Council of San Fernando Valley, Inc. v. Roommates.com, LLC, 521 F.3d 1157 (9th Cir. 2008) (en banc), holding that Roommates.com violated the Fair Housing Act by contributing to the creation or

development of discriminatory statements and advertisements on its website. An *en banc* panel of the Court of Appeals endorsed the view of the Seventh Circuit in Chicago Lawyers Comm., that websites enjoy CDA immunity from Fair Housing Act liability for content posted by others. But because Roommates.com assumed a role as content provider on the site, by requiring advertisers to fill in an online questionnaire stating their preferences and by directing them to other advertisers whose preferences matched their own, the court held that Roommates.com was not eligible for immunity under the CDA and would be subject to liability under the Fair Housing Act.

Fair Lending Education & Outreach Campaign

In FY 2008, HUD launched a campaign to educate the public on fair lending. HUD partnered with the Pacific News Service to conduct a multi-pronged campaign that included television and radio public service announcements, public forums, and a poster.

The television and radio public service announcement (PSA) features actor Dennis Haysbert. The PSA informs viewers that mortgage lending discrimination because of race, color, national origin, or other protected characteristics is unlawful. The PSA uses the tagline, “HUD. One Call. Many Answers,” to encourage viewers to call HUD if they believe they have been a victim of lending discrimination. The PSA was produced in English and Spanish. The PSA is also closed captioned for the hearing impaired.



The PSA was distributed to television and radio networks nationwide. The PSA was broadcast in more than 100 of the top media markets throughout the country. The PSA was played more than 28,000 times and reached an estimated 53.5 million viewers and listeners.

During the week of July 18-24, 2008, HUD placed this advertisement in movie theaters in 15 cities with high foreclosure rates. This advertisement was shown in 32 movie theaters, on 595 screens, and reached an estimated 1.1 million people.

HUD also partnered with the National Community Reinvestment Coalition to conduct forums on avoiding home foreclosure in 12 cities with high foreclosure rates: Atlanta; Boston; Charlotte; Chicago; Cleveland; Columbus, Ohio; Denver; Detroit; El Paso; Las Vegas; Philadelphia; and Washington, DC. These forums provided information on resources and programs that are available for homeowners facing foreclosure. Additionally, these forums provided training for housing counselors on assisting homeowners facing foreclosure. Nearly 500 people attended these forums.

As part of this campaign, HUD also developed fair lending posters in Arabic, Chinese, English, Korean, Russian, Spanish, and Vietnamese. These items were distributed to state and local agencies and private fair housing groups throughout the country.





HUD ENFORCEMENT OF THE FAIR HOUSING ACT

HUD's Investigation of Complaints Under the Fair Housing Act

The Fair Housing Act prohibits discrimination based on race, color, religion, national origin, sex, disability, or familial status in most housing-related transactions. The Act covers public, assisted, and most private housing, with a few exceptions. The Fair Housing Act and its implementing regulations give HUD authority to investigate, attempt to conciliate, and, if necessary, adjudicate complaints of discrimination involving home sales, rentals, advertising, mortgage lending, property insurance, and environmental justice. HUD also investigates complaints alleging discriminatory zoning and land use, but must refer these complaints to the U.S. Department of Justice for enforcement.

Anyone who believes he or she has experienced housing discrimination or that a discriminatory housing practice is about to occur may file a complaint or may have a complaint filed on his or her behalf by someone else, such as a parent, child, spouse, or guardian. HUD accepts complaints in person, by telephone, through the mail, or via the Internet. Once a complaint is filed, HUD determines if it meets minimal jurisdictional standards. For example, HUD screens out complaints where the allegations are not covered by the federal Fair Housing Act, e.g., discrimination based on marital status. If the complaint is jurisdictional, the person who filed the complaint signs the complaint, and HUD sends a copy of the complaint to the respondent (the person or entity against whom the complaint is made).

At no cost to the complainant, HUD begins an investigation to determine if there is reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur. HUD interviews the parties and witnesses, obtains and reviews relevant documents, and, when appropriate, conducts on-site investigations. HUD has the authority to issue subpoenas and, when necessary, seek temporary restraining orders.

From the time of the filing of a complaint, HUD works with all parties to resolve the case through conciliation, as required by the Fair Housing Act. HUD will attempt conciliation until a complaint is dismissed or a charge of discrimination is issued. During conciliation, HUD represents the public interest in the case. Any agreement must be signed by the parties and HUD. An agreement may include relief to the complainant, such as a monetary payment, a guarantee of housing, or the provision of a reasonable accommodation. An agreement may also include public interest relief, such as a requirement for the respondent or his or her staff to attend fair housing training or pay a civil money penalty.

Throughout the conciliation process, HUD continues to investigate the complaint. If HUD is unable to conciliate the complaint, it determines whether there is reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur. If HUD finds no reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur, the complaint is dismissed. In that case, the complainant retains the right to pursue the matter through private litigation.

If HUD finds reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur, it issues a charge of discrimination. The parties then may choose to pursue the matter before a HUD administrative law judge (ALJ) or in a U.S. district court.

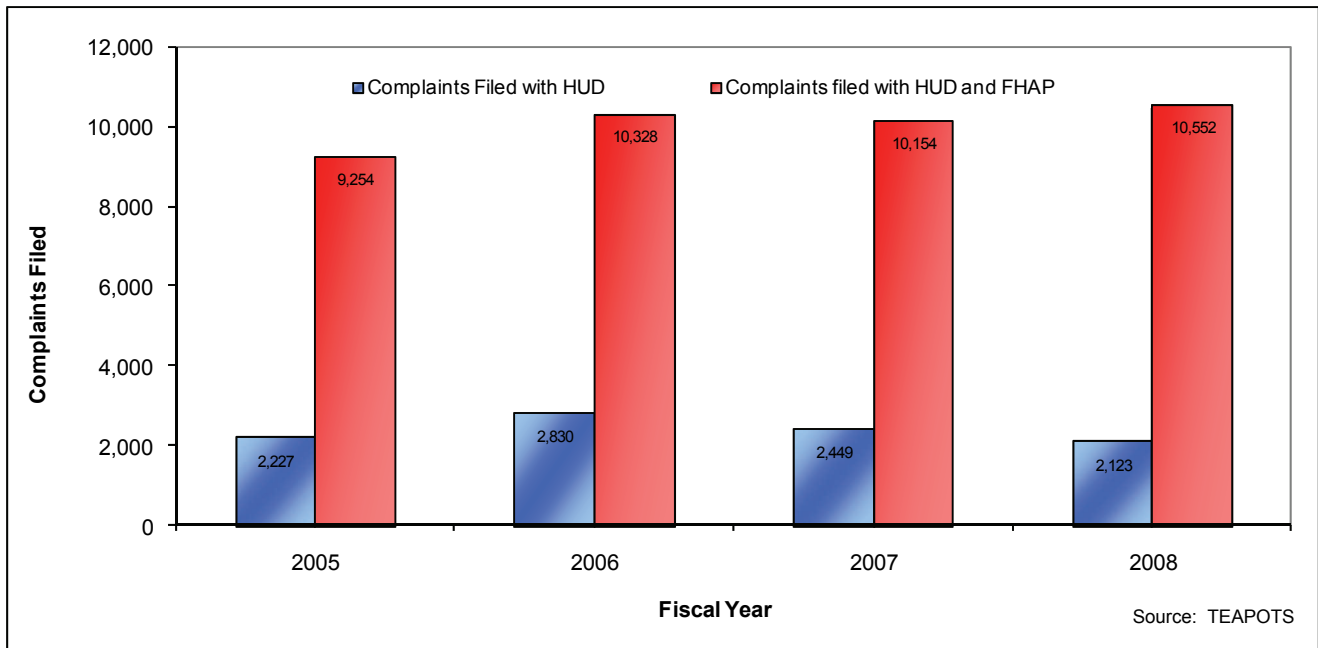
If the case goes before an ALJ, HUD represents the government, bringing the case on behalf of the aggrieved person. Once before an ALJ, the parties can resolve the case through an Initial Decision and Consent Order signed by the ALJ or proceed to an administrative hearing. Once a charge is filed, the Fair Housing Act permits any aggrieved person to intervene as a party in the proceeding in order to represent his or her own interests. Housing discrimination charges heard before an ALJ carry a maximum civil penalty of \$16,000 for a first offense. Civil penalties are higher if the respondent has committed prior violations of the Fair Housing Act. In addition, the ALJ may award actual damages for the aggrieved person, injunctive or other equitable relief, and attorney fees and costs for the prevailing party other than HUD.

If either party elects to go to federal district court, the U.S. Department of Justice represents the government while bringing the case on behalf of the aggrieved person. If discrimination is proved, a district court may award actual damages for the aggrieved person, injunctive or other equitable relief, and attorney fees and costs for the prevailing party other than DOJ. District courts may also award punitive damages.

Complaints Filed with HUD for Investigation

Chart 2 shows the number of complaints filed with HUD and the total number of complaints filed with HUD and FHAP agencies. The chart covers the past 4 fiscal years.

Chart 2: Complaints Filed with HUD for Investigation (FY 2005-FY 2008)



All the complaints filed must allege a basis for the discrimination. The Fair Housing Act lists seven prohibited bases for discrimination: race, color, religion, national origin, sex, disability, and familial status. In addition, the Fair Housing Act creates a cause of action for persons who are retaliated against for having filed or assisted with a housing discrimination complaint.

Table 3 shows the number of complaints filed with HUD by alleged violation. If a single complaint alleged multiple bases, it was counted under each basis alleged.

Table 3: Bases in HUD Complaints (FY 2005-FY 2008)

Basis	FY 2005		FY 2006		FY 2007		FY 2008	
	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total
Disability	1,095	49%	1,259	45%	1,196	49%	1,037	49%
Race	911	41%	1,231	44%	942	38%	655	31%
Familial Status	263	12%	311	11%	298	12%	367	17%
National Origin	203	9%	275	10%	284	12%	194	9%
<i>National Origin—Hispanic or Latino</i>	158	7%	182	6%	181	7%	116	5%
Sex	217	10%	295	10%	203	8%	191	9%
Religion	36	2%	79	3%	54	2%	45	2%
Color	18	1%	36	1%	21	1%	28	1%
Retaliation	95	4%	128	5%	115	5%	77	4%
Number of Complaints Filed	2,227		2,830		2,449		2,123	

Percentages do not total 100 percent because complaints may contain multiple bases.
Percentages are rounded to the nearest whole number.

Source: TEAPOTS

Complaints of housing discrimination must specify the discriminatory actions that allegedly violated or will violate the Fair Housing Act. HUD records these discriminatory practices in overarching categories, or “issues.” If a single complaint alleged multiple issues, it was counted under each issue alleged.

Table 4 shows the number of complaints filed with HUD from FY 2005 to FY 2008 broken down by issue. After each issue, the section of the Fair Housing Act prohibiting the activity is referenced.

Table 4: Issues in HUD Complaints (FY 2005-FY 2008)

Issue	FY 2005		FY 2006		FY 2007		FY 2008	
	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total
Refusal to Sell § 804(a) and § 804(f)(1)	40	2%	59	2%	46	2%	27	1%
Refusal to Rent § 804(a) and § 804(f)(1)	516	23%	687	24%	622	25%	527	25%
Steering § 804(a) and § 804(f)(1)	30	1%	27	1%	29	1%	13	1%
Discriminatory Terms, Conditions, Privileges, Services, and Facilities in the Rental or Sale of Property § 804(b) and § 804(f)(2)	1,280	57%	1,746	62%	1,534	63%	1,087	51%
Discriminatory Notices, Statements, or Advertisements § 804(c)	160	7%	133	5%	157	6%	286	13%
False Denial or Representation of Availability § 804(d)	64	3%	77	3%	62	3%	55	3%
Refusal to Permit a Reasonable Modification § 804(f)(3)(A)	43	2%	38	1%	42	2%	56	3%
Failure to Make a Reasonable Accommodation § 804(f)(3)(B)	445	20%	556	20%	583	24%	607	29%
Non-Compliance with Design and Construction Requirements § 804(f)(3)(C)	100	4%	105	4%	45	2%	66	3%
Discriminatory Financing § 805(a)	138	6%	170	6%	137	6%	62	3%
Redlining § 804(b) and § 805(a)	8	<0.5%	1	<0.5%	5	<0.5%	1	<0.5%
Refusal to Provide Insurance § 804(a) and § 804(b)	1	<0.5%	2	<0.5%	1	<0.5%	2	<0.5%
Coercion or Intimidation, Threats, Interference, and Retaliation § 818	367	16%	464	16%	443	18%	327	15%
Number of Complaints Filed	2,227		2,830		2,449		2,123	
Percentages do not total 100 percent because complaints may contain multiple issues. Percentages are rounded to the nearest whole number.								

Source: TEAPOTS

Compliance with Notice Requirements

Complainant Notification

The Fair Housing Act requires HUD to serve notice to the aggrieved person upon the filing of a housing discrimination complaint. The notice acknowledges the filing of a complaint and provides information regarding important deadlines and the choice of forums provided by the Fair Housing Act.

HUD has automated this function so that as soon as an investigator enters a complaint into HUD's database, the Title Eight Automated Paperless Office Tracking System (TEAPOTS), a notice is automatically printed out. The investigator then mails this notice to the aggrieved person. HUD sends its notices via first class mail with return receipts requested. In FY 2008, HUD routinely issued notices for the 2,123 complaints it received.

Respondent Notification

The Fair Housing Act requires HUD to serve notice on each respondent within 10 days of the filing of a complaint or the identification of an additional respondent. The notice must identify the alleged discriminatory housing practice(s) and advise the respondent of all procedural rights and obligations. A copy of the complaint must be included.

HUD has automated this function so that a notice and a copy of the complaint are automatically generated when a complaint is entered into TEAPOTS. An investigator then mails the materials to each respondent. HUD sends its notices via first class mail with return receipt so that the investigators can verify that the respondents received the notices. In FY 2008, HUD consistently provided notice to the respondents for the 2,123 complaints it received.

In a small number of Fair Housing Act complaints, the respondent may not have been notified within 10 days. Pursuant to a memorandum of understanding (MOU) with the U.S. Department of Justice, if a criminal investigation was under way, HUD delayed notification of the respondent until the Justice Department concluded its criminal investigation.

Closures

Chart 3 shows the number of complaints closed by HUD in each of the past 4 fiscal years.

Chart 3: HUD Complaints Closed (FY 2005-FY 2008)

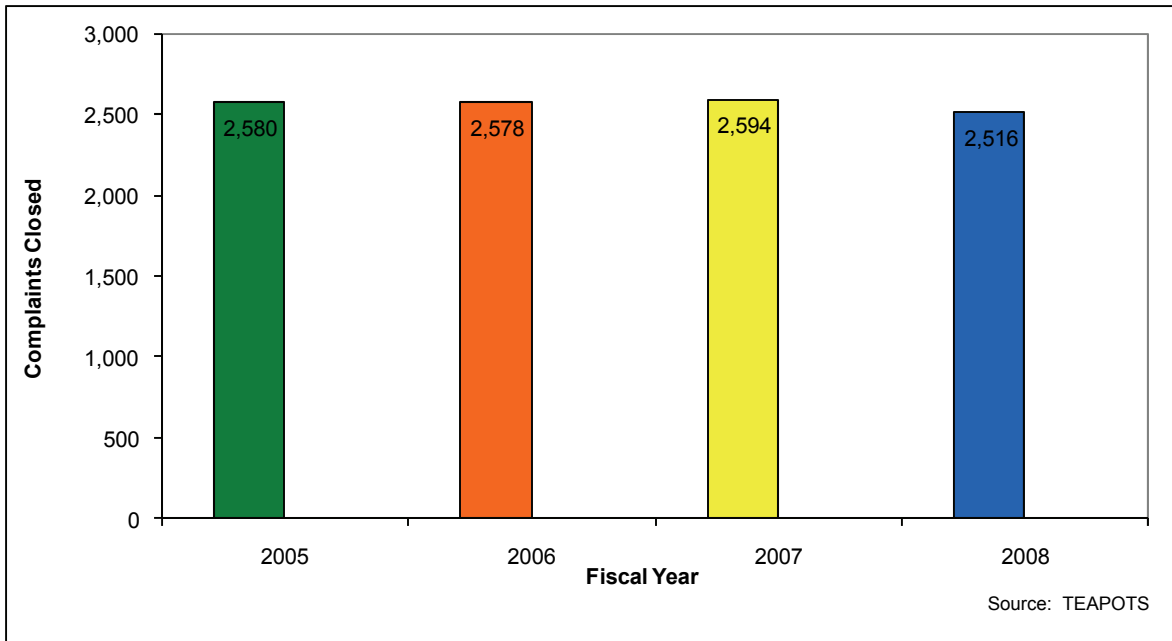
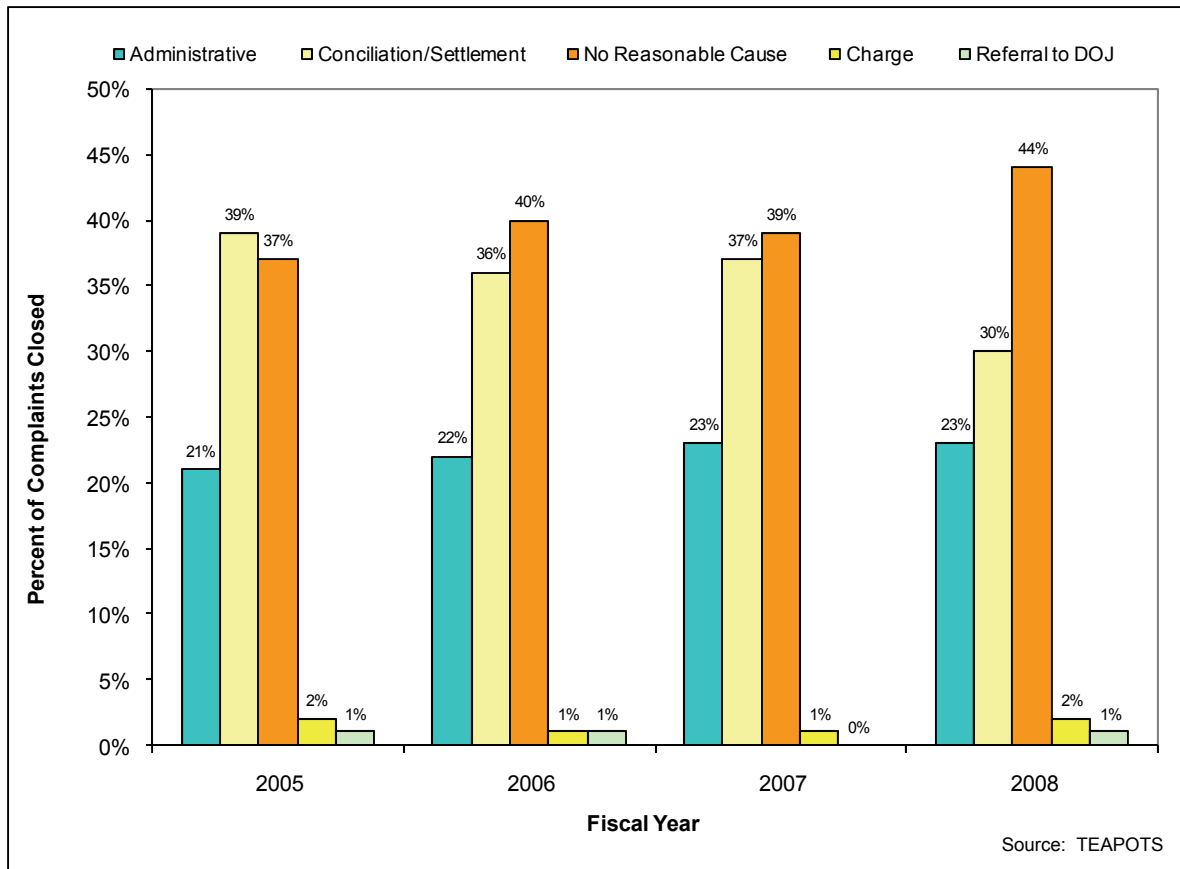


Chart 4 shows the outcomes of the complaints closed by HUD in each of the past 4 fiscal years.

Chart 4: HUD Complaint Outcomes, by Type (FY 2005-FY 2008)



Timeliness of Investigations

The Fair Housing Act requires that HUD complete the investigation of each complaint within 100 days of the date it was filed, unless it is impracticable to do so. In FY 2008, 817 complaints contained aspects that made them impracticable for HUD to complete within 100 days.

In general, completion of an investigation within 100 days was impracticable when a complaint involved a large number of witnesses or respondents, large volumes of evidence, or particularly novel or complex evidence.

Adjudicating Fair Housing Act Complaints

HUD’s Office of Administrative Law Judges (OALJ) adjudicates the Fair Housing Act complaints that HUD brings on behalf of aggrieved persons, when neither party elects to proceed in federal court. In addition to conducting administrative hearings, OALJ assists parties with settlement negotiations, provides training to the public and attorneys, and facilitates mediation.

Table 5 shows the caseload for OALJ in FY 2008.

Table 5: Fair Housing Act Caseload (FY 2008)²

Status	Number of Cases
Fair Housing Act Cases Pending at the End of FY 2007	8
Fair Housing Act Cases Docketed in FY 2008	40
Total Fair Housing Docket During FY 2008	48

Source: OALJ Database

Table 6 shows the outcome of each Fair Housing Act case potentially before an administrative law judge (ALJ) in FY 2008.

Table 6: Administrative Outcomes (FY 2008)

Status	Number of Cases
Settlement by Consent Order	6
ALJ Decisions	4
Election to U.S. District Court	20
Voluntary Withdrawal of Charge	2
Pending Administrative Hearing or Election to U.S. District Court	16
Total	48

Source: OALJ Database

²The Fair Housing Act caseload reported by OALJ may be a lesser number than the number of charges reported by the Office of Fair Housing and Equal Opportunity (FHEO) and the Office of General Counsel (OGC). This is because FHEO and OGC count the number of complaints received from complainants, while OALJ counts the actual number of charging documents filed, unless the case is a consolidated case involving unrelated acts against separate complainants. Both numbers are accurate.

In six of the Fair Housing Act cases on the ALJ docket, the aggrieved person and the respondent, with approval by HUD, opted to settle the complaint with an initial decision and consent order issued by an ALJ. In four of the cases, ALJs issued decisions.

Two of the Fair Housing Act cases on the ALJ docket were voluntarily withdrawn by HUD. One of the two was withdrawn after the parties agreed to a private settlement. The other was withdrawn to correct a technical deficiency and was charged later in the fiscal year.

Under the Fair Housing Act, the complainant, respondent, or aggrieved person on whose behalf the complaint was filed may elect to have his or her case heard in federal district court instead of before an ALJ. An election to federal district court must be made within 20 days after being served with the charge of discrimination. In 20 cases, the aggrieved person or the respondent elected to proceed to federal court. At the end of FY 2008, 16 cases were still within the 20-day election period and neither the complainant or respondent had elected to proceed in federal district court.

Table 7 shows the six cases that resulted in consent orders in FY 2008.

Table 7: Post-Charge Consent Orders (FY 2008)

Name	Basis of Charge	Damages	Civil Penalties
HUD v. Parques de la Flores Condominium Association	Disability	\$17,000	\$0
HUD v. Crompond Apartment Owners	Disability	\$4,000	\$0
HUD v. Tuckahoe Housing Authority	Disability	\$0	\$0
HUD v. Bassali	Familial Status	\$15,000	\$2,000
HUD v. Giarelli	Familial Status	\$7,500	\$500
HUD v. Yatczyshyn	Familial Status	\$5,000	\$500

Source: OALJ Database

Commencement of Administrative Law Judge (ALJ) Hearings

The Fair Housing Act requires that an administrative hearing begin within 120 days of the issuance of a charge unless it is impracticable to do so. In FY 2008, there was one hearing held before an ALJ and it began within 120 days of the issuance of a charge.

Issuance of Administrative Law Judge (ALJ) Decisions

The Fair Housing Act requires an ALJ to make findings of fact and conclusions of law within 60 days after an administrative hearing has ended, unless it is impracticable to do so. In FY 2008, there were four ALJ decisions and they were all issued within 60 days after the end of the administrative hearing.

HUD Achieves Settlement on Behalf of Tenants who Alleged Discrimination Based on their Hispanic Heritage

Ochoa v. Ontario Townhouses Limited Partnership and Edgewood Management Corporation

Miguel and Maria Ochoa, a Hispanic couple, lived at Ontario Townhouses, a HUD-assisted apartment complex located in Ontario, California. The Ochoas had lived in the complex since 1999.

The Ochoas have a limited ability to speak or understand English. However, when Hollie Meeks became the property manager, she refused to provide them with language assistance. Meeks allegedly told them that they needed to get their own interpreter even though she had a fully bilingual person on staff.

When Meeks notified the Ochoas that they needed to submit their documents for recertification, she allegedly made unreasonable requests for documentation. Nevertheless, they provided her with the recertification documents.

As a result, the Ochoas were surprised to learn that she had increased their rent to the market rate. The Ochoas contacted Meeks, but she allegedly refused to assist them and threatened to evict them. The Ochoas paid the increased rent for that month, but the next month they contacted the management office to ask for more time to pay. When they spoke to the bilingual staff person, she allegedly told them that Meeks “wants the apartment; she does not want the rent.” The Ochoas believe that Meeks wanted to evict them so she could replace them with African-American tenants, some of whom were her relatives.

On August 11, 2006, the Ochoas filed complaints against the owner, management company, and property manager of the property, alleging that they discriminated based on national origin, in violation of Title VI of the Civil Rights Act of 1964 and the Fair Housing Act.

On December 18, 2007, the parties entered into a voluntary compliance agreement and a conciliation agreement. Under the terms of the agreements, the owner and management company for the complex agreed to provide the Ochoas with \$10,344 and the first available subsidized three-bedroom unit. The respondents also agreed to terminate the property manager. Additionally, the respondents will provide oral interpretation services and notify tenants of this service, display and maintain fair housing posters in English and Spanish, and send staff who work in the management office to fair housing training.

HUD Settles National Origin Discrimination Case for Victims of Allegedly Discriminatory Lending Practices

Suscal v. EMC Mortgage Corporation, et al.

In December 2005, George and Digna Suscal, a Hispanic couple, were looking to purchase a home in Bridgeport, Connecticut. The Suscals contacted EXIT Real Estate, and two of its real estate agents arranged for them to view a home. A few days later, the Suscals made an offer to purchase the home for \$375,000. The Suscals had money for a down payment and a good credit score, so they expected that they would be able to get a conventional mortgage with a monthly payment that they could afford.

In January 2006, the Suscals went for the closing on the property. At closing, the Suscals depended upon their real estate agent, who is bilingual, to explain the loan documents because they have a limited ability to read or understand English. The Suscals signed the documents and moved into the home.

In March 2007, the Suscals became concerned because their monthly payments were increasing. They learned that at closing they received an 80 percent interest-only adjustable-rate mortgage for \$300,000 for 30 years, supplemented with an 11.75 percent equity home loan for \$75,000 for 25 years. The Suscals believed that their real estate agent misrepresented the terms of the loans and took advantage of them because they do not speak English.

On September 28, 2007, the Suscals filed a complaint with HUD alleging that they were discriminated against based on their national origin. The Suscals alleged that the respondents misrepresented their income, credit, and ability to repay, in order to have them qualify for the two subprime loans. They also alleged that they were assigned higher interest rates and fees than they qualified for based on their credit score and what they could afford.

On July 14, 2008, the parties entered into a conciliation agreement. Under the terms of the agreement, the respondents agreed to modify the terms of the original loans to forgive the entire amount of the second loan, approximately \$75,000. The respondents also agreed to give the Suscals a 5 percent fixed interest-rate mortgage and waived all closing costs, points, and fees associated with the loan modification.

Table 8 shows the four ALJ initial decisions that were issued in FY 2008.

Table 8: ALJ Initial Decisions (FY 2008)

Name	Basis of Charge	Damages	Civil Penalties	Attorneys' Fees
HUD v. Fung and Ho	Race	\$74,629	\$22,000	N/A
HUD v. Godlewski	Familial Status	\$44,394.16	\$11,000	N/A
HUD v. Godlewski	Familial Status	N/A	N/A	\$56,742.46
HUD v. Wooten	Familial Status	N/A	N/A	\$26,691.31

Source: OALJ Database

HUD v. Godlewski

On December 21, 2007, an ALJ issued a decision in HUD v. Godlewski, a case that involved the mother of a 10-year-old son. The mother alleged that the owner of a rental property posted a “for-rent” sign that stated “no kids.”

The ALJ awarded \$20,000 in damages to the complainant and \$24,394.16 in damages to the fair housing group that assisted the complainant. Additionally, the ALJ ordered the respondent to pay an \$11,000 civil penalty and prohibited him from disposing of the subject property or any other real property until he satisfied the judgment.

On February 1, 2008, an ALJ issued a decision on the petition for payment of attorneys’ fees in the case. The ALJ ordered the respondent to pay \$56,742.46 for attorneys’ fees.

HUD v. Fung and Ho

On January 31, 2008, an ALJ issued a decision in HUD v. Fung and Ho, a case that was filed against a property owner and a property manager for refusing to rent to an African-American woman. The case also alleged that the property owner and property manager retaliated against a former tenant who tried to sublease to the woman.

The ALJ awarded the African-American woman \$49,284 in damages and the former tenant \$25,345 in damages. The ALJ also ordered the respondents to pay \$22,000 in civil penalties.

HUD v. Wooten

On May 16, 2008, an ALJ issued a decision on the petition for attorneys’ fees in HUD v. Wooten, a case that was filed against a landlord who made discriminatory statements toward a single woman with children. The ALJ ordered the respondent to pay \$26,691.31 for attorneys’ fees.

Secretary-Initiated Enforcement

The Secretary of HUD, under Sections 810(a)(1)(A)(i) and (iii) of the Fair Housing Act, 42 U.S.C. § 3610, has the authority to conduct an investigation in the public interest, and file a complaint, where there is reason to believe that a discriminatory housing practice has occurred or is about to occur. The authority to conduct Secretary-initiated investigations and file Secretary-initiated complaints is useful when HUD has evidence of housing discrimination, but does not know of a specific aggrieved person or no injured party is willing or able to come forward to file a complaint. Secretary-initiated investigations and complaints follow the same timelines and processes as housing discrimination complaints filed by individuals and fair housing organizations. The following sections provide detail on Secretary-initiated enforcement between October 1, 2007, and September 30, 2008.

Secretary-Initiated Investigations

HUD launches a Secretary-initiated investigation when it learns of allegations of unlawful discrimination in a housing or housing-related transaction, but does not have sufficient evidence to file a complaint. If a Secretary-initiated investigation finds evidence of unlawful discrimination, HUD files a Secretary-initiated complaint against the respondent. If the investigation does not find sufficient evidence of discrimination, HUD closes the investigation. In FY 2008, HUD began four Secretary-initiated investigations, and these investigations were still under way at the end of the fiscal year.

Table 9 shows the bases of the four Secretary-initiated investigations launched in FY 2008. If a Secretary-initiated investigation alleged more than one basis, it was counted once under each basis alleged. Because of the preliminary nature of Secretary-initiated investigations, HUD does not provide information regarding the respondents in such investigations.

Table 9: Bases of Secretary-Initiated Investigations (FY 2008)

Basis	Number of Investigations
Race	4
National Origin	4

Source: Office of Systemic Investigations

Secretary-Initiated Complaints

HUD files a Secretary-initiated complaint when it has evidence that a discriminatory housing practice has occurred or is about to occur, but an aggrieved person has not yet come forward to file a complaint. HUD also files a Secretary-initiated complaint when it has received an individual complaint, but believes there may be additional victims of the discriminatory act, or wants to obtain broader relief in the public interest. In FY 2008, HUD filed five Secretary-initiated complaints.

Table 10 shows the bases of the five Secretary-initiated complaints filed in FY 2008. If a single complaint alleged multiple bases, it was counted under each basis alleged.

Table 10: Bases of Secretary-Initiated Complaints (FY 2008)

Basis	Number of Complaints
Familial Status	5
Race	1
National Origin	1

Source: Office of Systemic Investigations

The following section provides detail on the four Secretary-initiated complaints that were filed in FY 2008 and remained open at the end of the fiscal year. The remaining complaint, HUD v. Desert Rose, is described under “Secretary-Initiated Complaints Closed.”

HUD v. Cornerstone Residential Management

HUD filed a Secretary-initiated complaint against Cornerstone Residential Management, Inc., a property management company in Coral Gables, Florida, alleging discrimination on the basis of familial status.

HUD filed the complaint after it learned that Cornerstone allegedly maintained occupancy policies that discriminate against families with children. For example, Cornerstone allegedly limited the number of occupants in some two-bedroom properties to three persons. In some properties, Cornerstone allegedly had an additional limitation of one child per bedroom, so that a single mother with two children would have to rent a three-bedroom apartment. These policies caused families with children to be denied housing or pay more for their housing because they were forced to live in larger units.

HUD v. Summerhill Apartments

HUD filed a Secretary-initiated complaint against the current and former owners of Summerhill Apartments, as well as its manager, for allegedly discriminating on the basis of race, national origin, and familial status. Summerhill Apartments is located in Renton, Washington.

HUD filed the complaint after two employees of Summerhill Apartments reported allegedly discriminatory actions by the manager to the King County Office of Civil Rights (KCOCR), a FHAP agency. Based on this information, KCOCR, in conjunction with the Fair Housing Center of Washington, conducted a number of tests based on race, national origin, and familial status. The results of the tests suggested that Summerhill Apartments was engaging in discrimination. For example, white applicants were offered lower rates and different units than minority applicants, and families with children were subjected to unreasonable occupancy standards.

HUD v. Harbor Island Apartments

HUD filed a Secretary-initiated complaint against Harbor Island Apartments/Edge Las Vegas Development, LLC, for allegedly discriminating on the basis of familial status. Harbor Island Apartments is located in Las Vegas, Nevada.

HUD filed the complaint after a resident of the property alleged that there were improper restrictions for

families with children less than 18 years of age. For example, Harbor Island Apartments allegedly had rules that prohibited persons less than 18 years of age from being in the courtyard areas, laundry rooms, playground, and tennis court without the supervision of an adult. The property also allegedly had a curfew for all persons less than 18 years of age. The consequences for violating these rules included notices, fines, and eviction.

HUD v. USA4Sale Networks

HUD filed a complaint against USA4Sale Networks, Inc., a company that publishes classified advertisements for housing through several websites.

HUD filed the complaint after USA4Sale Networks allegedly approved and posted several discriminatory advertisements for rental housing with captions or text, such as “No Children” or “No Kids,” on a website it owned. The Fair Housing Act prohibits the printing or publishing of advertisements that discriminate against families with children.

Secretary-Initiated Complaints Closed

Table 11 shows the outcomes of the five Secretary-initiated complaints closed in FY 2008.

Table 11: Secretary-Initiated Complaints Closed (FY 2008)

Outcome	Number of Complaints
Administrative Closure	1
Conciliation/Settlement	2
Charge	2

Source: Office of Systemic Investigations

The following section describes the outcomes of the four Secretary-initiated complaints that were conciliated/settled or charged in FY 2008.

HUD v. Coldwell Banker (Joe T. Lane Realty)

In FY 2005, HUD filed a Secretary-initiated complaint against real estate salesperson Rodney Foreman and his employer, Coldwell Banker—Joe T. Lane Realty, Inc., alleging that they engaged in discrimination based on race and color. Coldwell Banker—Joe T. Lane Realty is located in Jonesboro, Georgia.

HUD filed the complaint after it conducted an investigation of a separate complaint from the National Fair Housing Alliance (NFHA). The NFHA complaint alleged that Foreman made several discriminatory statements to testers, many of which indicated steering. For example, NFHA alleged that during one of its tests, Foreman told the white tester that he had made two sets of listings—one for a white homebuyer and one for a black homebuyer. Foreman allegedly explained that most blacks do not keep up their houses and that blacks cause property values to go down.

On September 19, 2008, HUD issued a charge of discrimination for both complaints. The U.S. Department of Justice filed the complaint in the U.S. District Court for the Northern District of Georgia on November 6, 2008.

HUD v. The Mill

In FY 2007, HUD filed a Secretary-initiated complaint against the owner, manager, and management company of The Mill, an apartment complex located in Scranton, Pennsylvania, alleging that they discriminated on the basis of familial status.

HUD filed the complaint after it learned that Internet advertisements for the property allegedly stated that it was for “adults only.” HUD, in conjunction with the Fair Housing Council of Montgomery County, conducted on-site and telephone tests of the property to determine if the respondents were, in fact, discriminating against families with children. The tests showed evidence that the property discouraged families with children from living there.

On May 2, 2008, HUD charged the respondents with violating the Fair Housing Act. The respondents elected to have the case heard in federal district court, and on June 23, 2008, the U.S. Department of Justice filed the complaint in the United States District Court for the Middle District of Pennsylvania.

HUD v. Desert Rose

In FY 2008, HUD filed a Secretary-initiated complaint against the owners, management company, managing member, and leasing agent of Desert Rose Apartments, alleging that they discriminated on the basis of familial status. Desert Rose Apartments is located in Las Vegas, Nevada.

HUD filed the complaint after it conducted an investigation of a separate complaint from a woman who alleged that she was denied the opportunity to rent a unit because she had a child under the age of 18. The complainant alleged that the respondents later told her that the child could reside with her for an extra \$100 per month.

The investigation found evidence that a long-running policy of refusing to permit families with children had been instituted at the property. HUD thus suspected that Desert Rose Apartments may have discriminated against others on the basis of familial status. As a result, HUD filed a Secretary-initiated complaint against the property.

On September 30, 2008, the parties entered into a conciliation agreement that resolved both complaints. Under the terms of the agreement, the respondents will pay \$30,000 to the woman who filed the complaint; \$5,000 to another tenant affected by the discriminatory occupancy policy; and create a \$15,000 fund to compensate other persons who were denied housing because of the policy. The respondents also agreed to modify their occupancy policy, so that it does not exclude persons less than 18 years of age, and to provide current tenants with a copy of the modified policy. Additionally, the respondents agreed to attend fair housing training.

HUD v. Summer Place Apartments

In FY 2007, HUD filed a Secretary-initiated complaint against the owners of Summer Place Apartments, located in Las Vegas alleging that they engaged in discrimination based on familial status and disability.

HUD filed the complaint after it conducted an investigation of a separate complaint from a female tenant who alleged that the owners told her that her 6-year-old daughter would not be allowed to move in because children were not permitted at the property.

The investigation found evidence that the property had a long-running policy of refusing to permit families with children to live there. As a result, HUD suspected that Summer Place Apartments may have discriminated against others on the basis of familial status and filed a Secretary-initiated complaint against the property owners. HUD later learned that the respondents had allegedly failed to make reasonable accommodations for persons with disabilities and amended the complaint to add an allegation of discrimination based on disability.

On December 18, 2007, the complaints were resolved in separate conciliation agreements. Under the terms of the agreements, the respondents agreed to pay \$35,000 to the woman who filed the complaint; a total of \$10,500 to three individuals whom they tried to evict because they had children; and create a \$29,500 fund to compensate other persons who were denied housing because of the discriminatory occupancy policy. The respondents also agreed to modify their occupancy policy so it does not exclude persons under the age of 18, and to provide current tenants with a copy of the modified policy. Additionally, the respondents agreed to attend fair housing training.

HUD Negotiates Settlement on Behalf of Ridge Crest Apartment Tenants Who Alleged Familial Status Discrimination

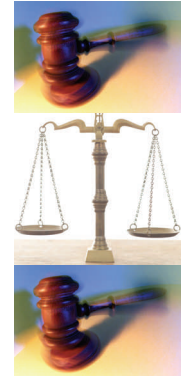
Rich v. Kimberly Porter, et al.

In February 2006, Delores Rich and her two sons, ages 15 and 10, moved into Ridge Crest Apartments, a complex located in St. Louis, Missouri. Shortly after moving in, the property manager informed her that the community rules prohibited children less than 18 years of age from being outside without the presence of an adult. Rich contended that this was frustrating for her 15-year-old son who was accustomed to being able to go outside by himself. Rich alleged that she received notice of numerous lease violations because she did not supervise her 15-year-old son while he was outside, and that this ultimately resulted in a written notice to terminate her tenancy.

On September 18, 2006, Rich filed a complaint with HUD alleging that the managers of Ridge Crest Apartments subjected families with children to stricter community rules than families without children. Shortly thereafter, HUD received five more complaints from tenants that alleged similar discriminatory conduct, and one complaint from a tenant that alleged that the managers issued a termination of tenancy notice because her daughter served as a witness in one of the investigations.

On December 3, 2007, the parties agreed to settle the seven complaints through a conciliation agreement. Under the terms of the agreement, the owners and managers of Ridge Crest Apartments agreed to pay \$83,000 in damages to the seven complainants and establish a \$15,000 fund to compensate current and former tenants who were discriminated against who are identified later. The respondents will send letters to tenants, notifying them of the fund and how to qualify for it.

Additionally, the respondents agreed to establish and operate an after-school and summer program for children who live at the complex. The respondents will fund the program at \$36,000 a year for 2 years. The respondents also agreed to send their employees or agents to fair housing training.



HUD Obtains \$45,000 Settlement for Family with Autistic Child who were Allegedly Denied a Reasonable Accommodation Request

Sanchez v. Princeton Property Management, Inc.; Masters Loop, LLC; Allison Brown; and Tammy Shay

In 2007, Daniel and Jenny Sanchez lived in a one-bedroom apartment in Masters Apartments, located in Aloha, Oregon. The couple had lived in the complex for 6 years. The couple had a 2-year-old son with autism and was expecting their second child.

In 2007, the Sanchezes received noise complaints from a tenant who lived in the apartment below them. The noise was from their autistic son, who jumped up and down as a result of his disability. The Sanchezes requested that the management company make a reasonable accommodation by allowing the family to move to a vacant first-floor unit so that their son would not disturb the neighbors. The management company allegedly denied the request and informed them that their lease would not be renewed due to the noise complaints. The Sanchezes requested that the management company extend the termination date since it coincided with the expected arrival of their second child. However, the management company failed to act on the request, forcing the family to vacate on the same day as the birth of their second child.

On December 19, 2007, the Sanchezes filed a complaint with HUD alleging that the management company refused to grant their reasonable accommodation request, in violation of the Fair Housing Act.

On April 15, 2008, the parties agreed to settle the complaint through a conciliation agreement. Under the terms of the agreement, the management company agreed to pay the Sanchezes \$40,000; donate \$2,500 to an autism group; donate \$2,500 to an early childhood development center; and provide a letter of apology. The respondents also agreed to attend fair housing training.





THE FAIR HOUSING ASSISTANCE PROGRAM

The Fair Housing Assistance Program

HUD shares its authority to investigate housing discrimination complaints with state and local government agencies that participate in the Fair Housing Assistance Program (FHAP). In FY 2008, FHAP agencies received 80 percent of the housing discrimination complaints that were filed within HUD's jurisdiction.

To participate in the FHAP, a jurisdiction must demonstrate that it enforces a fair housing law that provides rights, remedies, procedures, and opportunities for judicial review that are substantially equivalent to those provided by the federal Fair Housing Act. HUD pays FHAP agencies for each complaint they investigate, based on the timeliness and quality of the investigation. In addition, HUD provides funding to FHAP agencies for capacity-building, training, and information systems.

In FY 2008, HUD certified one state (Oregon) and one locality (Westchester County, New York) as jurisdictions that enforce laws that are substantially equivalent to the federal Fair Housing Act. HUD also de-certified one jurisdiction (St. Petersburg, Florida). At the end of FY 2008, there were 108 jurisdictions in 39 states and the District of Columbia certified as substantially equivalent. For a list of FHAP jurisdictions, see Appendix B.

Investigations of Complaints Under State and Local Fair Housing Laws

FHAP agencies receive complaints directly from the public in a number of ways—via telephone, the mail, the Internet, or in person. In addition, FHAP agencies receive complaints from HUD. If HUD receives a housing discrimination complaint that falls within the jurisdiction of one of its FHAP agencies, HUD is required by the Fair Housing Act to refer the complaint to that certified agency.

The procedures a FHAP agency follows to handle a complaint are substantially similar, though not identical, to those HUD follows under the Fair Housing Act. In general, after receiving a complaint, the FHAP agency interviews the complainant and drafts a formal complaint. This complaint is signed by the complainant and then served on the respondent, who is given an opportunity to respond. The FHAP agency then begins an investigation and, throughout the investigation, works with the parties to conciliate the complaint.

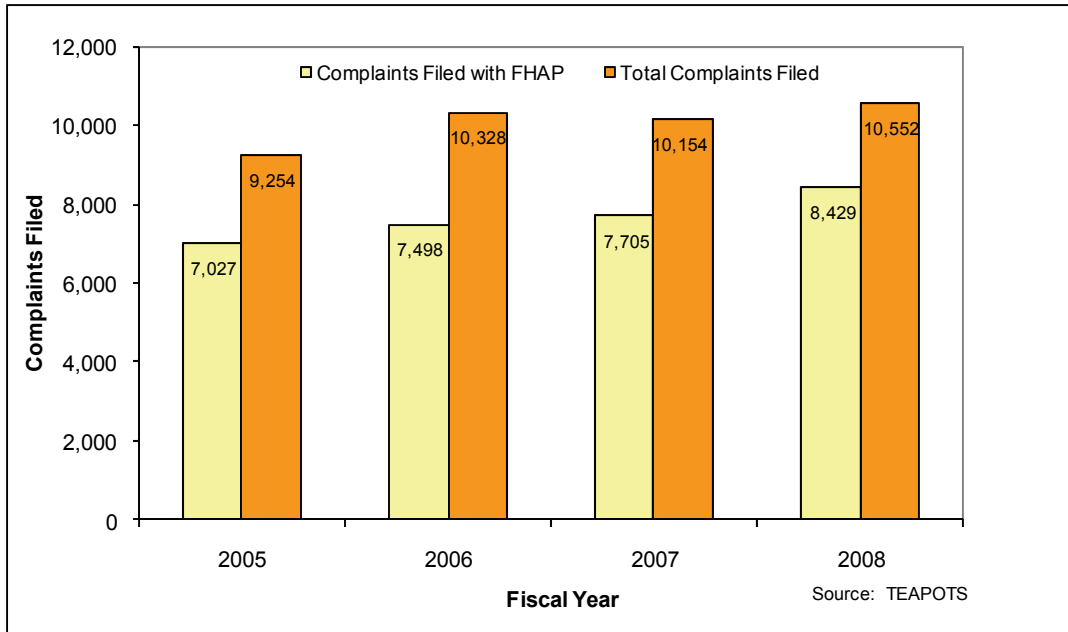
If a FHAP agency is unable to conciliate the complaint, it determines whether there is reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur. If the FHAP agency finds no reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur, the complaint is dismissed. In that case, the complainant retains the right to pursue the matter through private litigation.

If a FHAP agency finds reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur, the agency litigates the complaint in an administrative proceeding or in civil court. The system of adjudication is set forth in each jurisdiction's fair housing law.

Complaints Filed with FHAP Agencies for Investigation

Chart 5 shows the number of complaints filed with FHAP agencies compared to the total number of complaints filed with HUD and FHAP agencies. The chart covers the past 4 fiscal years.

Chart 5: Complaints Filed with FHAP Agencies for Investigation (FY 2005-FY 2008)



Rockland County Commission on Human Rights Obtains Over \$15,000 in Case Alleging Discrimination Against an Elderly Person with Disabilities and His Disabled Daughter

Judy Claman-Fantasia v. Hickory House Tenants Corp., JTF Management Associates, Ltd., Marc Fishman, Chris Wyatt, William C. Wyatt, and JCW Construction

In August 2006, Morton Claman purchased a one-bedroom cooperative apartment for himself and his mentally disabled daughter, Joanne Claman, in Spring Valley, New York. The apartment is located in the same cooperative in which Joanne had resided (although in a different unit) for more than twenty years. Morton, who was himself physically disabled and 89 years of age at the time of the transaction, paid full price for the unit, and also paid an additional \$2,500 to the superintendent of the co-op for the installation of two new air conditioning units, a grab bar, a new toilet bowl, and a larger refrigerator. Although these renovations were supposed to have been performed prior to closing on August 14, 2006, they were not completed for more than 6 months. Likewise, in the unit in which Joanne had previously lived, the respondents did not repair the front door, despite her request that they do so.

On April 12, 2007, Judy Claman-Fantasia, daughter of Morton and sister of Joanne, filed a housing discrimination complaint with the Rockland County Commission on Human Rights (RCCHR), a FHAP agency. RCCHR conducted an investigation and found evidence that the respondents had allegedly failed to perform the agreed-upon improvements on Morton and Joanne’s apartment, based on the perception that neither Joanne nor Morton, because of Joanne’s mental disability and Morton’s disability and age, would take any action to remedy the situation.

Although the respondents admitted no wrongdoing, the parties settled the complaint in January 2008. As part of the settlement, Hickory House Tenants Corporation agreed to pay the complainants \$10,700, and JCW Construction agreed to pay the complainants \$1,850. In addition, Hickory House Tenants Corporation refunded \$2,500 in maintenance charges and repaired the front door at no charge to the unit in which Joanne had previously lived.

A substantially equivalent state or local law must prohibit discrimination under the seven bases enumerated in the federal Fair Housing Act—race, color, religion, national origin, sex, disability, and familial status. A substantially equivalent state or local law must also prohibit acts of retaliation against a person for having filed or assisted with a housing discrimination complaint. Table 12 shows the number of complaints filed under each basis. If a single complaint alleged more than one basis, it was counted under each basis alleged.

Table 12: Bases in FHAP Complaints (FY 2005-FY 2008)

Basis	FY 2005		FY 2006		FY 2007		FY 2008	
	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total
Disability	2,671	38%	2,851	38%	3,214	42%	3,638	43%
Race	2,561	36%	2,812	38%	2,808	36%	3,014	36%
Familial Status	1,151	16%	1,122	15%	1,143	15%	1,323	16%
National Origin	1,022	15%	1,152	15%	1,015	13%	1,170	14%
<i>National Origin-Hispanic or Latino</i>	702	10%	749	10%	603	8%	732	9%
Sex	744	11%	702	9%	805	10%	942	11%
Religion	182	3%	179	2%	212	3%	294	3%
Color	124	2%	118	2%	152	2%	234	3%
Retaliation	357	5%	449	6%	473	6%	498	6%
Number of Complaints Filed	7,027		7,498		7,705		8,429	
Percentages do not total 100 percent because complaints may contain multiple bases. Percentages are rounded to the nearest whole number.								

Source: TEAPOTS

A complaint must allege a discriminatory action that is prohibited by the state or locality's substantially equivalent fair housing law. HUD tracks these discriminatory actions using broad categories called "issues." Table 13 sorts by issue the complaints filed with FHAP agencies from FY 2005 through FY 2008. While the complaints are filed under state or local substantially equivalent fair housing laws, the table, for convenience, refers to the section of the federal Fair Housing Act that would apply to that issue.

Table 13: Issues in FHAP Complaints (FY 2005-FY 2008)

Issue	FY 2005		FY 2006		FY 2007		FY 2008	
	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total
Refusal to Sell § 804(a) and § 804(f)(1)	331	5%	229	3%	188	2%	187	2%
Refusal to Rent § 804(a) and § 804(f)(1)	1,760	25%	1,947	26%	2,027	26%	2,170	26%
Steering § 804(a) and § 804(f)(1)	56	1%	59	1%	47	1%	51	1%
Discriminatory Terms, Conditions, Privileges, Services, and Facilities in the Rental or Sale of Property § 804(b) and § 804 (f)(2)	3,960	56%	4,259	57%	4,388	57%	4,775	57%
Discriminatory Notices, Statements, or Advertisements §804(c)	480	7%	408	5%	436	6%	542	6%
False Denial or Representation of Availability § 804(d)	185	3%	159	2%	189	2%	248	3%
Refusal to Permit a Reasonable Modification § 804(f)(3)(A)	117	2%	86	1%	127	2%	149	2%
Failure to Make a Reasonable Accommodation § 804(f)(3)(B)	1,220	17%	1,340	18%	1,511	20%	1,794	21%
Non-Compliance with Design and Construction Requirements § 804(f)(3)(C)	233	3%	123	2%	150	2%	110	1%
Discriminatory Financing § 805(a)	385	5%	382	5%	274	4%	262	3%
Redlining § 804(b) and § 805(a)	6	<0.5%	3	<0.5%	7	<0.5%	7	<0.5%
Refusal to Provide Insurance § 804(a) and § 804(b)	3	<0.5%	1	<0.5%	2	<0.5%	3	<0.5%
Coercion or Intimidation, Threats, Interference, and Retaliation § 818	825	13%	890	12%	1,034	13%	1,075	13%
Number of Complaints Filed	7,027		7,498		7,705		8,429	

Percentages do not total 100 percent because complaints may contain multiple issues.
Percentages are rounded to the nearest whole number.

Source: TEAPOTS

Closures

Chart 6 shows the number of complaints closed by FHAP agencies in each of the past 4 fiscal years.

Chart 6: FHAP Closed Complaints (FY 2005-FY 2008)

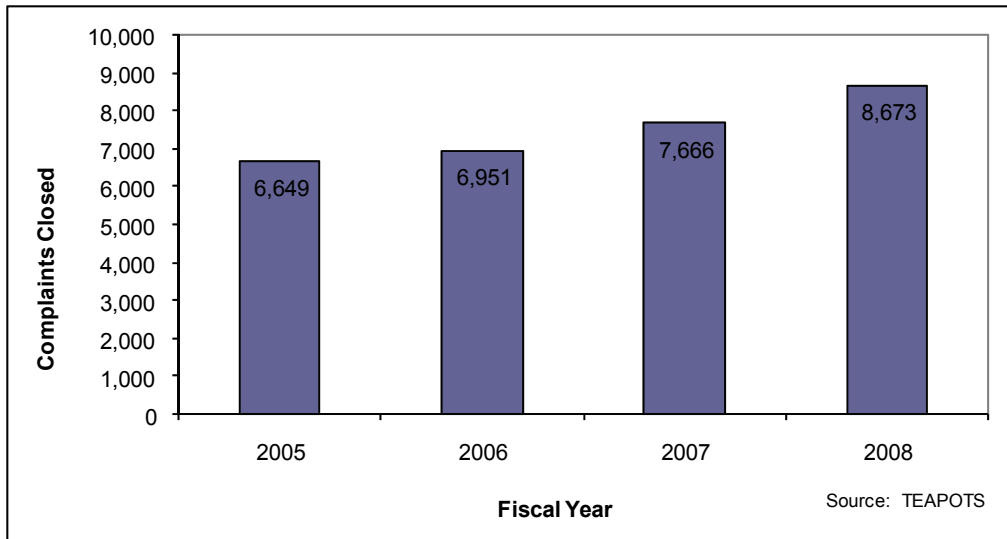
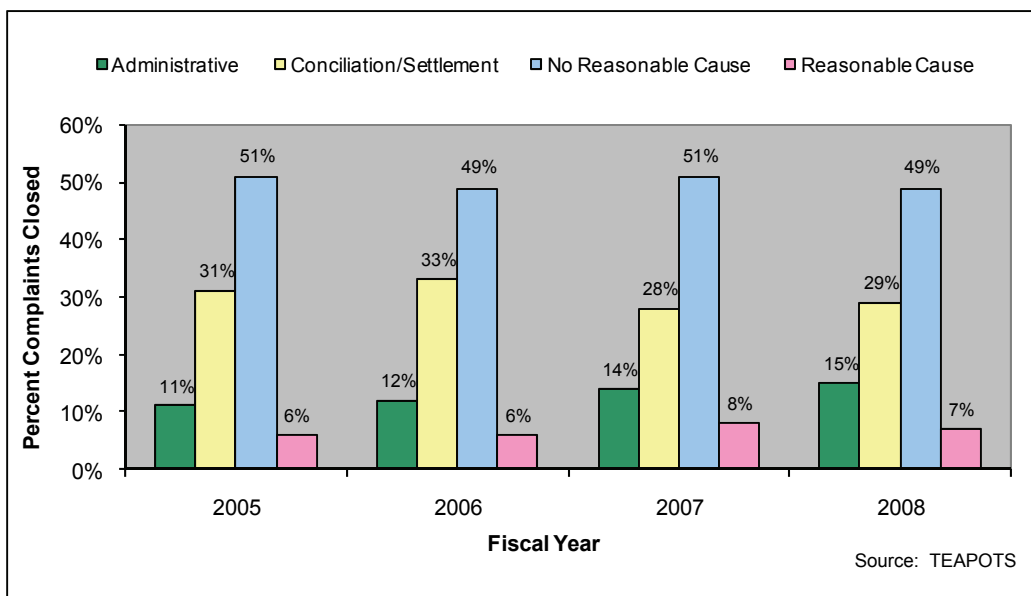


Chart 7 shows the outcomes of the complaints closed by FHAP agencies in each of the past 4 fiscal years.

Chart 7: FHAP Complaint Outcomes, by Type (FY 2005-FY 2008)



Timeliness of Investigations

Each housing discrimination complaint filed with a FHAP agency must be investigated and completed within 100 days of the receipt of the complaint, unless it is impracticable to do so. In FY 2008, 4,260 FHAP investigations passed the 100-day mark. These investigations exceeded the 100-day mark for a variety of reasons, including when they involved a large number of witnesses or respondents, large volumes of evidence, or particularly complex evidence.

California Department of Fair Employment and Housing Obtains \$200,000 Settlement from Apartment Complex that Allegedly Discriminated Against a Pregnant Woman

Cohen v. Artiste Apartments

In May 2004, Suzanne Cohen was searching for an apartment for herself and her soon-to-be-born baby. She applied for and was accepted for a studio apartment at Artiste Apartments in Los Angeles. However, before Cohen could sign the rental agreement, she received a telephone call from the leasing agent, who told her that she could not rent the studio apartment because she was pregnant and the property owner did not want two people living in the unit.

Cohen then approached the Housing Rights Center (HRC) for its assistance. Shortly thereafter, HRC conducted a telephone test of Artiste Apartments, which confirmed that the leasing agent informed families with children, but not others, that the owner did not like to have more than one person in a unit.

The HRC then contacted Artiste Apartments and requested that Cohen be allowed to rent the unit as it was originally offered to her. On two occasions, the management company's attorney contacted HRC and offered Cohen the unit, but informed her that she would be in violation of the rules when she had the child and emphasized the negative aspects of living in the building with a child. On a third occasion, the management company contacted HRC and offered the unit to Cohen, but at a 10 percent increase in rent because of her child. Cohen declined these offers believing Artiste Apartments did not want her child there.

In May 2005, Cohen and HRC filed housing discrimination complaints with the California Department of Fair Employment and Housing (DFEH), a FHAP agency. The DFEH conducted an investigation and, in May 2006, found reasonable cause to believe that Artiste Apartments, its owner, management company, and agents had discriminated against Cohen because of her sex and familial status. In May 2008, the DFEH filed suit in Los Angeles Superior Court against Artiste Apartments and its property management.

As a result of the suit, the parties agreed to enter into a consent decree on May 8, 2008. Under the consent decree, Cohen and HRC received a combined \$200,000 in monetary compensation. Artiste Apartments and its management company agreed to revise its occupancy limitations to permit at least two occupants per studio apartment and three occupants per one-bedroom apartment. In addition, the consent decree required all of the employees to undergo fair housing training.

California Department of Fair Employment and Housing Obtains \$618,000 Settlement from Large Apartment Complex in Familial Status Case

Fair Housing Council of Orange County (FHCOC) v. Plaza Court Apartments

In 2004, the Fair Housing Council of Orange County (FHCOC) received numerous complaints alleging that Plaza Court Apartments in Stanton, California, discriminated against tenants with children. These families alleged that the owner of the complex and the apartment manager refused to allow their minor children to play outside alone, play outside after a certain hour, or play on the grass, amongst other things.

In February 2005, FHCOC filed a complaint against Plaza Court Apartments with the California Department of Fair Employment and Housing (DFEH), a FHAP agency. The DFEH's investigation revealed that Plaza Court Apartments notified all residents that children were not permitted to play outside alone or on the grassy area. Residents who failed to comply with these rules would be fined \$50 or could be evicted.

In February 2006, DFEH found reasonable cause to believe that Plaza Court Apartments discriminated against families with children by imposing overly restrictive "House Rules and Regulations" that discriminated against families with children. The DFEH subsequently filed suit in Orange County Superior Court against the Plaza Court Apartments on behalf of FHCOC and nine families who lived there.

In August 2008, the DFEH reached a \$618,000 out-of-court settlement with the Plaza Court Apartments. The settlement requires that the Plaza Court Apartments revise its rules to ensure compliance with fair housing laws, develop a written policy prohibiting familial status discrimination, inform all residents of the new rules, and ensure that each resident and staff member is given detailed information on how to report suspected discrimination. In addition, the owners are required to provide annual fair housing training for the next 5 years.

THE FAIR HOUSING INITIATIVES PROGRAM

The Fair Housing Initiatives Program

The Fair Housing Initiatives Program (FHIP) was created to increase compliance with the Fair Housing Act and substantially equivalent state and local fair housing laws through private enforcement and educational activities. FHIP funds are used to establish a network of experienced fair housing enforcement organizations throughout the country and to educate the public and housing industry about their rights and responsibilities under the Fair Housing Act. Congress established FHIP under Section 561 of the Housing and Community Development Act of 1987.

FHIP consists of the following three funding initiatives: (1) Private Enforcement Initiative (PEI), (2) Education and Outreach Initiative (EOI), and (3) Fair Housing Organizations Initiative (FHOI). HUD makes most FHIP funds available competitively, through notices of funding availability (NOFAs) or requests for proposals (RFPs). Appendix D contains a summary of all FHIP grant awards made in FY 2008.

Private Enforcement Initiative (PEI)

PEI provides funding for the investigation of housing discrimination complaints and the administrative or judicial enforcement of federal, state, or local fair housing laws. PEI recipients conduct intake, investigation, mediation, and litigation of housing discrimination complaints and perform tests of the housing, lending, and insurance markets.

In FY 2008, HUD solicited PEI applications under the General Component (PEI-GC) and the Performance-Based Funding Component (PEI-PBC). PEI-GC provides 12- to 18-month grants of up to \$275,000 to fair housing enforcement organizations that meet certain requirements related to the length and quality of their fair housing enforcement experience. The purpose of PEI-PBC is to provide exceptional fair housing enforcement organizations with the necessary funding to conduct systemic investigations that span multiple fiscal years. PEI-PBC provides 36-month grants of up to \$825,000 (\$275,000/year) to fair housing enforcement organizations that have performed well in their use of previously awarded PEI funds.

In FY 2008, HUD awarded 78 PEI grants, totaling \$20 million. There were 30 PEI-GC awards, totaling \$7,338,329.65, and 48 PEI-PBC awards, totaling \$12,661,670.35. HUD funded every qualified applicant for PEI-GC and PEI-PBC in FY 2008.

Education and Outreach Initiative (EOI)

EOI provides funding to develop, implement, carry out, and coordinate education and outreach programs that inform the public about their rights and responsibilities under federal, state, and local fair housing laws. HUD requires all groups receiving EOI funds to have a procedure for referring possible fair housing violations to HUD.

The primary way that EOI recipients educate the public about fair housing is through workshops, seminars, and other public events. In FY 2008, FHIP grantees conducted 1,783 public events that reached 296,641 people.

The Fair Housing Initiatives Program

In FY 2008, HUD solicited EOI applications under the General Component (EOI-GC), the Clinical Law Component (EOI-CLC), and the National Media Component (EOI-NMC). EOI-GC provides 12- to 18-month grants of up to \$100,000 to public, private, or nonprofit organizations that conduct general fair housing education and outreach activities.

The purpose of the EOI Clinical Law Component (EOI-CLC) is to develop a fair housing clinical law school program. EOI-CLC provides a 12-month grant of up to \$500,000 to a law school accredited by the American Bar Association to develop curricula and conduct training for students, clinicians, and lawyers on fair housing law.

The EOI National Media Component (EOI-NMC) provides a 12-month grant of up to \$1 million to a fair housing enforcement organization or other nonprofit organization to develop and implement a national fair housing media campaign. The campaign may include, among other things, public service announcements, conferences, seminars, and brochures.

In FY 2008, HUD awarded 16 EOI grants, totaling \$2,799,847. There were 14 EOI-GC awards, totaling \$1,300,503, one EOI-CLC grant at \$499,497, and one EOI-NMC grant at \$999,847.

Fair Housing Organizations Initiative (FHOI)

FHOI provides funding to establish or build the capacity of fair housing organizations. At the conclusion of the grant period, the sponsored organization will be able to conduct complaint intake and testing, investigate complaints of individual and systemic housing discrimination, mediate disputes of housing discrimination, and litigate fair housing cases.

In FY 2008, HUD solicited FHOI applications under the Continued Development Component (FHOI-CDC). FHOI-CDC provides 12-month grants of up to \$150,000 to fair housing organizations or other nonprofit organizations that were previously sponsored under FHOI to help them develop their ability to provide fair housing enforcement.

In FY 2008, HUD did not award any grants under FHOI-CDC because eligible applicants elected to be funded under EOI-GC, rather than this component.

FHIP Grant Awards

Table 14: FHIP NOFA Awards (FY 2005-FY 2008)

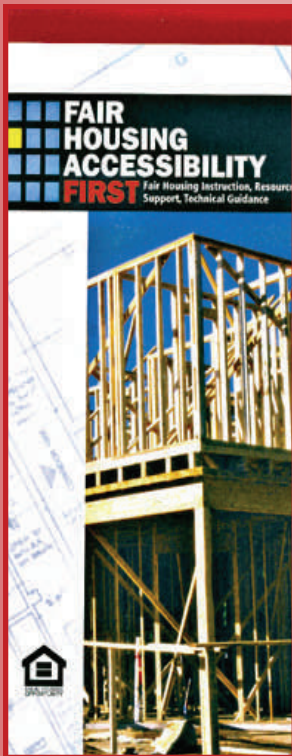
Initiative	FY 2005	FY 2006	FY 2007	FY 2008
PEI	61	54	55	78
EOI	42	48	33	15
FHOI	1	0	0	0
TOTAL	104	102	88	93

Table 15: Funds Distributed through the FHIP NOFA (FY 2005-FY 2008)

Initiative	FY 2005	FY 2006	FY 2007	FY 2008
PEI	\$13,600,000	\$13,900,000	\$14,000,000	\$20,000,000
EOI	\$3,940,000	\$4,200,000	\$4,100,000	\$2,800,000
FHOI	\$500,000	\$0	\$0	\$0
TOTAL	\$18,040,000	\$18,100,000	\$18,100,000	\$22,800,000

Fair Housing Accessibility FIRST

Fair Housing Accessibility FIRST is a FHIP-funded program that provides training and technical guidance on the Fair Housing Act's accessibility requirements to architects, builders, developers, and others involved in the design and construction of multifamily housing. Launched in 2003, FIRST consists of a comprehensive training curriculum, a website (<http://www.fairhousingfirst.org>), and a toll-free hotline (1-888-341-7781). The training curriculum is accredited by the American Institute of Architects and various local professional groups. HUD contracts with BearingPoint, a company based in McLean, Virginia, to administer the program.



In general, FIRST targets its training sessions toward geographic areas where there are high rates of multifamily housing construction and/or current or recent enforcement activities involving multifamily housing accessibility. After Hurricanes Katrina and Rita, FIRST began to target some of its training sessions to hurricane-affected areas because of the large amount of construction that would be happening in those areas. Additionally, FIRST tries to hold training sessions in areas where training has not previously been conducted.

In FY 2008, FIRST conducted 22 training sessions and trained 1,724 persons. FIRST training sessions were held in Albuquerque, New Mexico; Baltimore; Boston; Cape Coral, Florida; Cleveland; Dallas; El Paso, Texas; Hartford, Connecticut; Jacksonville, Florida; Lake Ozark, Missouri; Marin County, California; Memphis, Tennessee; Milwaukee, Wisconsin; New Brunswick, New Jersey; New Orleans; Orlando, Florida; Philadelphia, Pennsylvania; Raleigh, North Carolina; Scottsdale, Arizona; Sioux Falls, South Dakota; Spokane, Washington; and Ventura County, California.

At the training sessions, the attendees were asked about the number of multifamily units on which they were working. The attendees who replied to this question reported a total of 467,310 multifamily units in which they were assisting with the development, design, or construction. These units are more likely to be built in an accessible manner as a result of the training.

The training sessions featured one or more of 11 training modules covering the Fair Housing Act, other disability-rights laws, and the technical requirements of designing and constructing accessible routes, public and common-use areas, kitchens, and bathrooms. The attendees reported that their level of understanding of the Fair Housing Act's design and construction requirements increased from an average of 2.75 prior to the training to an average of 3.55 after the training (4 = strong; 3 = average; 2 = weak; 1 = none). In addition, 90 percent of participants said they would recommend the training to a colleague.

The FIRST website (<http://www.fairhousingfirst.org>) provides detailed information on the Fair Housing Act's design and construction requirements. For example, the website includes all 11 training modules and 87 frequently asked questions and answers. In FY 2008, the FIRST website received 52,561 distinct hits.

The FIRST toll-free hotline (1-888-341-7781) is staffed by experts on the Fair Housing Act's design and construction requirements. Architects and other design professionals can call the toll-free hotline for technical guidance and support. In FY 2008, the FIRST toll-free hotline responded to 2,748 requests for technical guidance.

OVERSIGHT OF RECIPIENTS OF HUD FUNDS

Oversight of Recipients of HUD Funds

HUD monitors state and local government agencies and private entities that receive HUD funds to ensure that they comply with civil rights statutes and civil rights-related program requirements. HUD reviews its programs by: (1) investigating complaints alleging discrimination by a HUD-funded agency and (2) conducting compliance reviews of recipients. HUD also monitors HUD-funded recipients to determine their performance under the civil rights-related program requirements of HUD's Office of Community Planning and Development, Office of Public and Indian Housing, and Office of Housing.

The following statutes and executive orders prohibit HUD-funded agencies from engaging in discrimination:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Section 109 of the Housing and Community Development Act of 1974
- Section 282 of the Cranston-Gonzalez National Affordable Housing Act
- Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act of 1990
- Title IX of the Education Amendments Act of 1972
- Executive Order 11063
- Executive Order 11246

Complaints Against Recipients of HUD Funds

When someone files a discrimination complaint against a recipient of HUD funds, HUD investigates the complaint to determine whether the recipient violated civil rights laws or civil rights-related program requirements. At the conclusion of the investigation, HUD issues written findings of its investigation. Typically, HUD issues a Letter of Findings to the recipient and to the complainant. The Letter of Findings contains the findings of fact and any findings of noncompliance, along with a description of an appropriate remedy. In Section 109 and Section 504 complaint investigations, the Letter of Findings also includes a notice of the right of the recipient or the complainant to request a review of the Letter of Findings.

When HUD makes a determination of noncompliance, HUD encourages a resolution of the matter through informal means. The typical method used to informally resolve complaints is the Voluntary Compliance Agreement (VCA), which details the steps the recipient must take to correct civil rights and other related violations set out in the Letter of Findings. If the recipient refuses to informally resolve the matter, HUD can take appropriate action to effect compliance, including, but not limited to, suspension or debarment proceedings under 2 CFR 2424, suspension or termination of existing federal funds or refusal to grant future federal financial assistance to the recipient (but only after an administrative hearing), or referral of the matter to the U.S. Department of Justice with a recommendation for appropriate enforcement action.

Table 16 shows the number of complaints received in FY 2008 that alleged discrimination by a recipient of HUD funds and the civil rights law that was allegedly violated. The table also shows the number of investigations closed during the fiscal year and the number that remained open at the end of the fiscal year. These numbers include investigations of complaints that were filed in FY 2008 or in previous fiscal years.

Table 16: Complaints Against Recipients of HUD Funds (FY 2008)

	Title VI	Title IX	Section 504	Section 109	Title II of ADA	Age Discrim.	Total
Complaints Filed	635	0	989	32	304	5	1,965
Investigations Closed	534	0	793	37	240	2	1,606
Investigations Open at the End of FY 2008	1,414	1	1,871	205	690	12	4,193

Source: TEAPOTS

Compliance Reviews of Recipients of HUD Funds

HUD conducts compliance reviews to determine whether a recipient of HUD funds is in compliance with applicable civil rights laws and their implementing regulations. HUD undertakes compliance reviews based on criteria established by HUD. HUD initiates most compliance reviews based on risk analyses, issues raised during a limited monitoring review, or when a civil rights problem is detected through HUD program monitoring.

After a review to assess whether the recipient of HUD funds has complied with civil rights laws, HUD issues written findings of its review. Typically, HUD issues a Letter of Findings to the recipient. A Letter of Findings contains the findings of fact and any findings of noncompliance, along with a description of an appropriate remedy.

When HUD makes a determination of noncompliance, HUD encourages a resolution of the matter through informal means. The typical method used to informally resolve a finding of noncompliance is a Voluntary Compliance Agreement (VCA), which details the steps the recipient must take to correct the civil rights and other related violations set out in the Letter of Findings. If the recipient refuses to informally resolve the matter, HUD can take appropriate action to effect compliance, including, but not limited to, suspension or debarment proceedings under 2 CFR 2424, suspension or termination of existing federal funds or refusal to grant future federal financial assistance to the recipient (but only after an administrative hearing), or referral of the matter to the U.S. Department of Justice with a recommendation for appropriate enforcement action.

Table 17 shows the number of compliance reviews that were initiated in FY 2008 and the civil rights law under which they were conducted. The table also shows the number of compliance reviews that were closed during the fiscal year and the number that remained open at the end of the fiscal year. These numbers include compliance reviews that were initiated in FY 2008 or in previous fiscal years.

Table 17: Compliance Reviews of Recipients of HUD Funds (FY 2008)

	Title VI	Title IX	Section 504	Section 109	Title II of ADA	Age Discrim.	Total
Compliance Reviews Initiated	62	0	71	13	5	0	151
Compliance Reviews Closed	45	0	51	8	1	0	105
Compliance Reviews Open at the End of FY 2008	152	0	211	23	27	1	414

Source: TEAPOTS

HUD Negotiates Agreements with Three Major Public Housing Authorities to Create More Than 800 Accessible Units

In FY 2008, HUD negotiated Voluntary Compliance Agreements (VCAs) with the Alaska Housing Finance Corporation, the Cuyahoga Metropolitan Housing Authority, and the Seattle Housing Authority to increase the accessibility of their low-income public housing programs.

HUD conducted compliance reviews of those agencies' low-income public housing programs for compliance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. The compliance reviews included accessibility inspections of the housing authorities' dwelling units, common areas, and administrative offices, as well as their policies and procedures. The VCAs resolve the issues identified during the reviews.

Under the VCAs, the housing authorities agree to create a combined total of 812 units that are accessible for persons with disabilities. These units will include accessible design features, such as wider doorways, lower kitchen counters, and properly installed grab bars. The housing authorities also agreed to provide designated accessible common areas, including laundry rooms, mail boxes, management offices, and trash collection sites; improve the management of their housing waiting lists to maximize the availability of accessible units for persons with disabilities; amend their pet policies with regard to assistance animals; and train their current and new employees on the VCA and applicable civil rights laws. The housing authorities also each committed to having a VCA administrator and a Section 504/ADA coordinator to ensure that they are in compliance with the VCA and applicable civil rights laws.

HUD Enters into a Voluntary Compliance Agreement with Tuckahoe Housing Authority

Guerrero v. Tuckahoe Housing Authority

In April 2008, HUD entered into a Voluntary Compliance Agreement (VCA) with the Tuckahoe Housing Authority (THA), located in Tuckahoe, New York, to resolve a finding that it violated Section 504 of the Rehabilitation Act by refusing to provide housing to Judy Guerrero, an applicant with a disability and four children, because the THA had a “working person” preference.

In July 2006, Guerrero filed a housing discrimination complaint with HUD alleging that the THA refused to rent her a public housing unit for which she was qualified and subjected her to different terms, conditions, privileges, services, or facilities on account of her disability. HUD’s investigation revealed that the THA failed to accord Guerrero the benefit of its “working person” preference although she was disabled and federal regulations mandate that disabled persons are entitled to a housing authority’s “working person” preference. Consequently, Guerrero was passed over for a public housing unit on three occasions since June 2003.

On April 20, 2008, HUD and the THA entered into a VCA. The THA agreed to offer Guerrero the next available suitable apartment and assist her with the relocation, including paying her moving costs. The THA also agreed to reimburse Guerrero for any additional housing-related expenses she incurred since July 1, 2003. Additionally, the THA agreed to: revise its preferences to comply with HUD requirements that entitle disabled persons to a housing authority’s “working person” preference, review its current waiting lists to ensure compliance, and undergo fair housing training.

HUD Enters into a Section 504 Voluntary Compliance Agreement with the City of Bakersfield, California

Arce v. City of Bakersfield et al.

In November 2006, Lilian and Miguel Arce sought to purchase a home at Parkview Cottage Homes, a residential development in Bakersfield, California, using a down payment assistance program administered by the City of Bakersfield. Parkview Cottage Homes is a development of 74 two-story homes built by the City of Bakersfield, which receives a Community Development Block Grant from HUD.

Though the Arces qualified for the home purchase program, they were unable to participate because Mrs. Arce uses a wheelchair and is unable to access the two-story homes in Parkview Cottage Homes. In December 2006, the Arces informed the City that the homes in the Parkview Cottage Homes development were not accessible to persons with physical disabilities and that they needed a one-story home due to Mrs. Arce’s mobility impairment. The City maintained that the down payment assistance program applied only to the purchase of a home at Parkview Cottage Homes. In October 2007, the Arces requested that the City allow them to participate in the down payment assistance program to purchase a home in the City that was accessible to persons with disabilities, as a reasonable accommodation for Mrs. Arce’s disability. However, the City denied the Arces’ request, stating that the down payment assistance program was “project specific.”

In February 2008, the Arces filed a housing discrimination complaint with HUD alleging that the City of Bakersfield refused to allow her to use the down payment assistance program to purchase an accessible unit as a reasonable accommodation for Mrs. Arce’s disability, in violation of the Fair Housing Act and Section 504 of the Rehabilitation Act.

As a result of HUD’s investigation, the City entered into a Voluntary Compliance Agreement (VCA) with the Department on June 19, 2008. The City agreed to allow persons with mobility impairments to use the down payment assistance through the Parkview project to purchase a home of their choice in the City of Bakersfield, rather than limiting it to Parkview Cottage Homes.

The City also agreed to spend up to \$99,380 to make four homes in Parkview Cottage Homes accessible for persons with mobility impairments, upon request from an individual who needs those features. In addition, the City will make two homes accessible for individuals with sight and hearing impairments, upon request from an individual who needs those features. Furthermore, the City must inform all parties inquiring about Parkview Cottage Homes about the modifications and down payment assistance available in that residential development to persons with disabilities.

Appendix A: HUD's Office of Fair Housing and Equal Opportunity

Table A.1: HUD's Fair Housing Staff, FY 2005-FY 2008

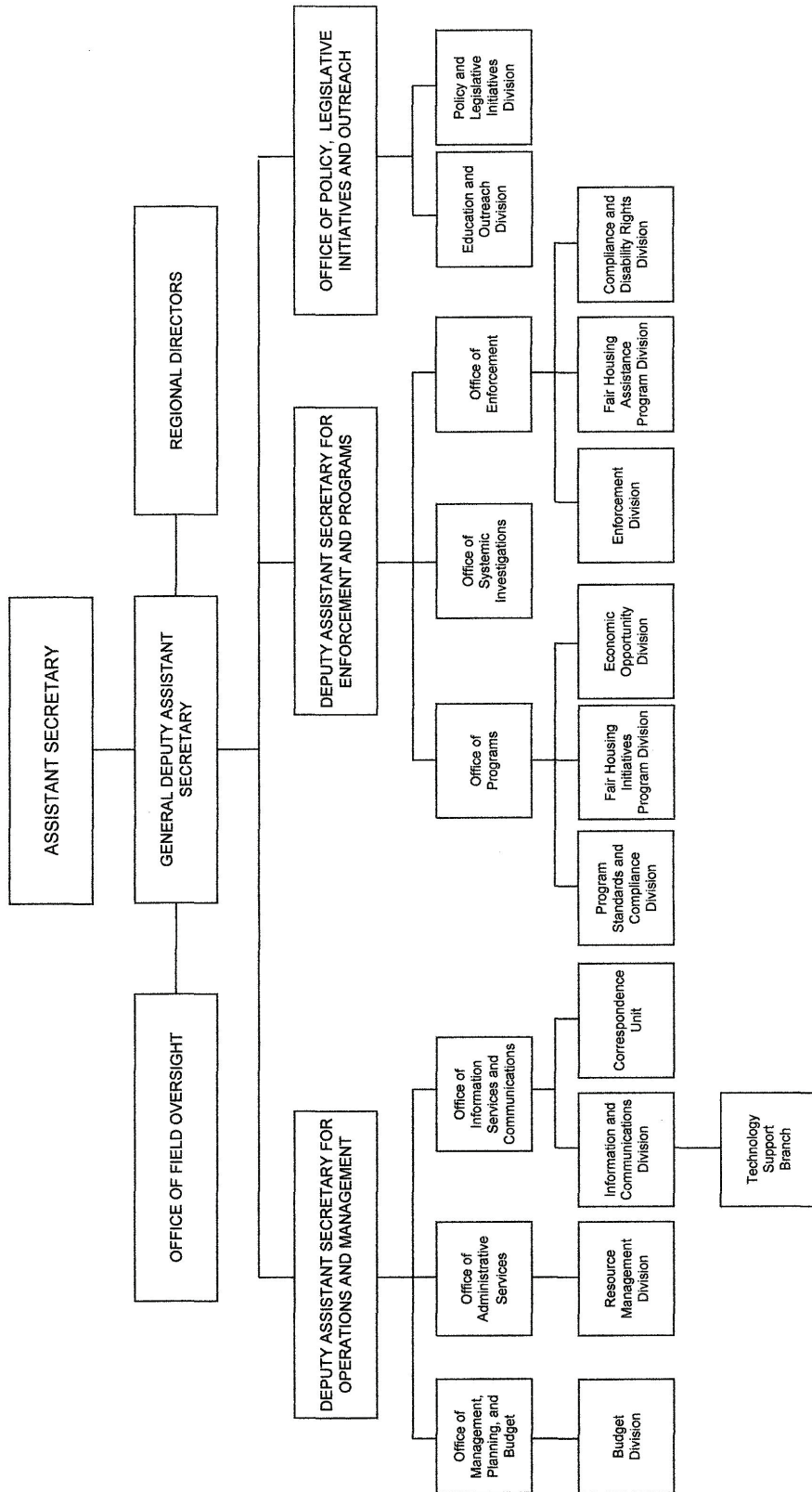
Location	Number of Employees			
	FY 2005	FY 2006	FY 2007	FY 2008
Regional and Field Offices	499	477	461	470
Headquarters	125	121	118	113
TOTAL	624	598	579	583

Table A.2: Funding Level for Fair Housing, FY 2005-FY 2008³

Budget	FY 2005	FY 2006	FY 2007	FY 2008
Salaries and Expenses	\$63,261,122	\$64,991,951	\$64,011,034	\$66,677,325
FHAP	\$26,288,000	\$25,740,000	\$25,740,000	\$25,620,000
FHIP	\$19,840,000	\$19,800,000	\$19,800,000	\$24,000,000
TOTAL	\$109,389,122	\$110,531,951	\$109,551,034	\$116,297,325

³ The amounts for salaries and expenses are based on assignments, which are the funding levels budgeted and allotted to the program office to cover these costs.

Chart A.1: FHEO Organizational Chart, FY 2008

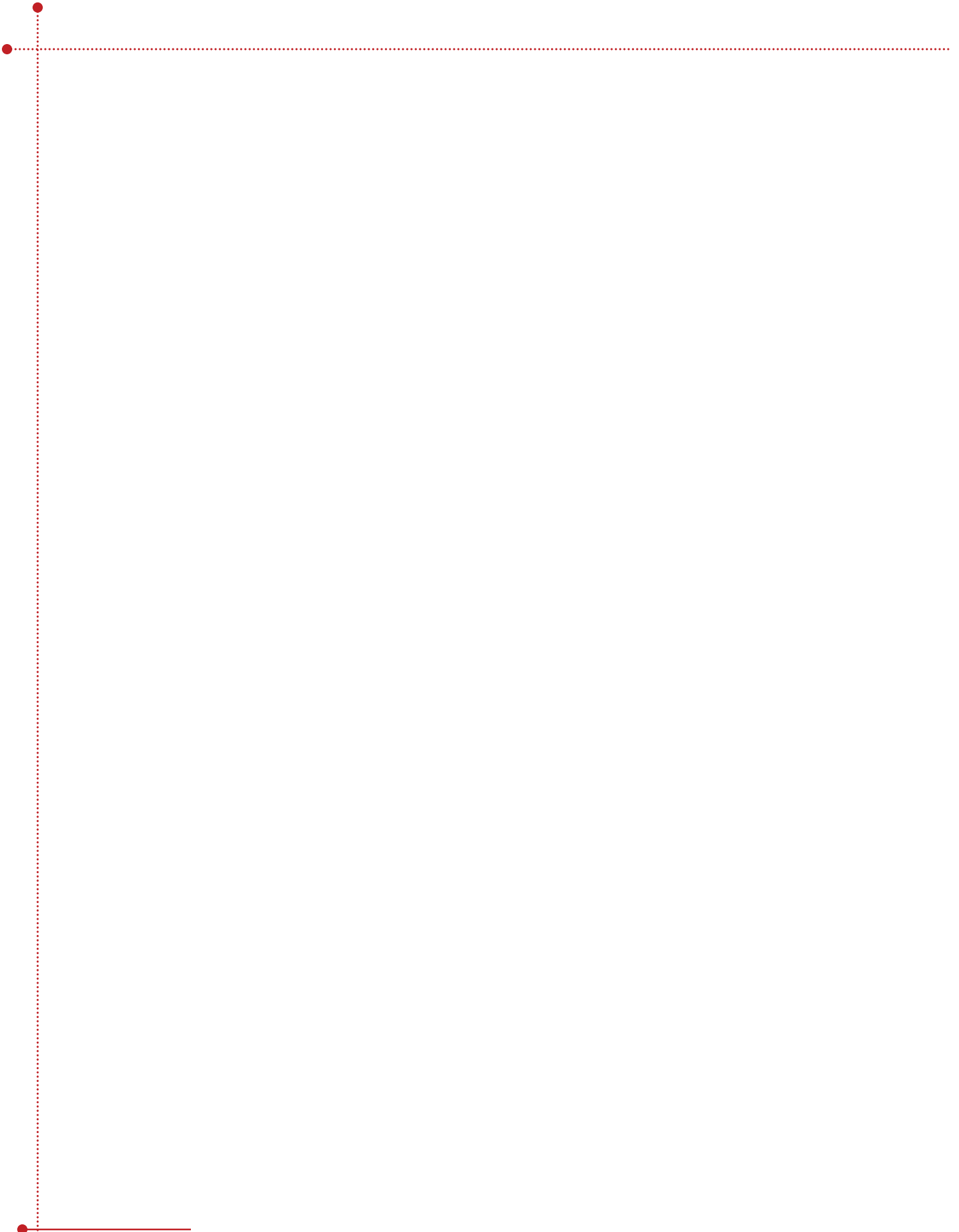


Appendix B: FHAP Agencies, by State, FY 2008

State	FHAP Agency
Arizona	State: Arizona Attorney General's Office Locality: City of Phoenix Equal Opportunity Department
Arkansas	State: Arkansas Fair Housing Commission
California	State: California Department of Fair Employment and Housing
Colorado	State: Colorado Civil Rights Division
Connecticut	State: Connecticut Commission on Human Rights and Opportunities
Delaware	State: Delaware Division of Human Relations
District of Columbia	State: District of Columbia Office of Human Rights
Florida	State: Florida Commission on Human Rights Localities: Broward County Office of Equal Opportunity Hillsborough County Board of County Commissioners Jacksonville Human Rights Commission Lee County Office of Equal Opportunity Orlando Human Relations Department Palm Beach County Office of Human Rights Pinellas County Office of Human Rights City of Tampa Office of Community Relations
Georgia	State: Georgia Commission on Equal Opportunity
Hawaii	State: Hawaii Civil Rights Commission
Illinois	State: Illinois Department of Human Rights Locality: Springfield Community Relations Commission
Indiana	State: Indiana Civil Rights Commission Localities: Elkhart Human Relations Commission Fort Wayne Metropolitan Human Relations Commission Gary Human Relations Commission Hammond Human Relations Commission South Bend Human Relations Commission
Iowa	State: Iowa Civil Rights Commission Localities: Cedar Rapids Civil Rights Commission Davenport Civil Rights Commission Des Moines Human Rights Commission Dubuque Human Rights Commission Mason City Human Rights Commission Mason City (Cerro Gordo County) Human Rights Commission Sioux City Human Rights Commission Waterloo Commission on Human Rights

State	FHAP Agency
Kansas	Localities: Lawrence Human Relations Commission City of Olathe Community and Neighborhood Services Department Salina Human Relations Department City of Topeka Human Relations Commission
Kentucky	State: Kentucky Commission on Human Rights Localities: Lexington-Fayette Urban County Human Rights Commission Louisville Metro Human Relations Commission
Louisiana	State: Louisiana Public Protection Division
Maine	State: Maine Human Rights Commission
Maryland	State: Maryland Commission on Human Relations
Massachusetts	State: Massachusetts Commission Against Discrimination Localities: Boston Fair Housing Commission Cambridge Human Rights Commission
Michigan	State: Michigan Department of Civil Rights
Minnesota	Locality: City of Duluth Human Rights Office
Missouri	State: Missouri Commission on Human Rights Localities: Kansas City Human Relations Department St. Louis Civil Rights Enforcement Agency
Nebraska	State: Nebraska Equal Opportunity Commission Localities: Lincoln Commission on Human Rights Omaha Human Relations Department
New Jersey	State: New Jersey Division on Civil Rights
New York	State: New York State Division of Human Rights Localities: Geneva Human Rights Commission Rockland County Commission on Human Rights Westchester County Human Rights Commission
North Carolina	State: North Carolina Human Relations Commission Localities: Asheville/Buncombe County Community Relations Council City of Asheville Charlotte/Mecklenburg County Community Relations Committee City of Charlotte Durham Human Relations Commission Greensboro Human Relations Department New Hanover County Human Relations Commission Orange County Department of Human Rights and Relations Winston-Salem Human Relations Commission

State	FHAP Agency
North Dakota	State: North Dakota Department of Labor
Ohio	State: Ohio Civil Rights Commission Localities: City of Canton Fair Housing Commission City of North Olmsted Department of Law Dayton Human Relations Council Parma Law Department Shaker Heights Fair Housing Review Board
Oklahoma	State: Oklahoma Human Rights Commission
Oregon	State: Oregon Bureau of Labor and Industries
Pennsylvania	State: Pennsylvania Human Relations Commission Localities: Erie County Human Relations Commission Lancaster County Human Relations Commission Pittsburgh Human Relations Commission Reading Commission on Human Relations York City Human Relations Commission
Rhode Island	State: Rhode Island Commission for Human Rights
South Carolina	State: South Carolina Human Affairs Commission
Tennessee	State: Tennessee Human Rights Commission Locality: City of Knoxville Department of Community Development
Texas	State: Texas Workforce Commission Localities: Austin Human Rights Commission City of Corpus Christi Department of Human Relations City of Dallas Fair Housing Office Fort Worth Human Relations Commission Garland Office of Housing and Neighborhood Services
Utah	State: Utah Anti-Discrimination Division
Vermont	State: Vermont Human Rights Commission
Virginia	State: Virginia Department of Professional and Occupational Regulation, Fair Housing Administration Locality: Fairfax County Human Rights Commission
Washington	State: Washington State Human Rights Commission Localities: King County Office of Civil Rights Seattle Office for Civil Rights Tacoma Human Rights and Human Services Department
West Virginia	State: West Virginia Human Rights Commission Localities: Charleston Human Rights Commission Huntington Human Relations Commission



Appendix C: HUD and FHAP Complaints, by State, FY 2008

State	HUD	FHAP	Total
Alabama	165	N/A	165
Alaska	13	N/A	13
American Samoa	0	N/A	0
Arizona	14	247	261
Arkansas	4	130	134
California	226	1,056	1,282
Colorado	1	114	115
Connecticut	15	114	129
Delaware	1	24	25
District of Columbia	13	40	53
Florida	64	704	768
Georgia	27	292	319
Guam	0	N/A	0
Hawaii	11	38	49
Idaho	38	N/A	38
Illinois	26	301	327
Indiana	5	219	224
Iowa	23	213	236
Kansas	60	42	102
Kentucky	14	129	143
Louisiana	29	81	110
Maine	4	36	40
Marshall Islands	0	N/A	0
Maryland	11	92	103
Massachusetts	17	282	299
Michigan	121	314	435
Micronesia	0	N/A	0
Minnesota	73	7	80
Mississippi	89	N/A	89
Missouri	104	193	297
Montana	16	N/A	16
Northern Mariana Islands	0	N/A	0
Nebraska	42	95	137
Nevada	96	N/A	96
New Hampshire	27	N/A	27

Appendix C: HUD and FHAP Complaints, by State, FY 2008

State	HUD	FHAP	Total
New Jersey	64	156	220
New Mexico	64	N/A	64
New York	26	735	761
North Carolina	12	254	266
North Dakota	0	36	36
Ohio	29	484	513
Oklahoma	19	75	94
Oregon	65	49	114
Palau	0	N/A	0
Pennsylvania	12	299	311
Puerto Rico	32	N/A	32
Rhode Island	1	61	62
South Carolina	32	91	123
South Dakota	10	N/A	10
Tennessee	35	178	213
Texas	247	693	940
Utah	1	104	105
Vermont	0	28	28
Virgin Islands	1	N/A	1
Virginia	12	95	107
Washington	16	284	300
West Virginia	2	44	46
Wisconsin	82	N/A	82
Wyoming	12	N/A	12
TOTAL	2,123	8,429	10,552

APPENDIX D: FAIR HOUSING INITIATIVES PROGRAM (FHIP) AWARDS, BY STATE, FY 2008

ALABAMA			
Birmingham	Fair Housing Center of Northern Alabama	PEI	\$275,000
<p>The Fair Housing Center of Northern Alabama (FHCNA) will conduct fair housing enforcement activities in 23 Alabama counties, with an emphasis on Calhoun, Etowah, Jefferson, Lauderdale, Madison, Shelby, and Tuscaloosa counties. FHCNA will provide investigative services, conduct tests for discrimination in rental housing and mortgage lending, and inspect multifamily housing for compliance with the Fair Housing Act's accessibility requirements. FHCNA will also conduct fair housing education and outreach activities. To carry out its activities, FHCNA will partner with the Birmingham Homeownership Center and other community-based organizations.</p>			
Mobile	Mobile Fair Housing Center	PEI	\$275,000
<p>The Mobile Fair Housing Center (MFHC) will carry out fair housing enforcement activities in Baldwin, Clarke, Choctaw, Conecuh, Escambia, Mobile, Monroe, and Washington counties. MFHC will provide complaint intake, investigation, mediation, and referral services for victims of housing discrimination. MFHC will also recruit and train testers and test housing providers for discriminatory practices. To raise public awareness of fair housing, MFHC will provide fair housing training to 50 community-based organizations and conduct six workshops on accessible housing.</p>			
Montgomery	Central Alabama Fair Housing Center	PEI	\$274,000
<p>The Central Alabama Fair Housing Center (CAFHC) will conduct fair housing activities in the Montgomery metropolitan area, the west Alabama Black Belt region, and central Alabama. CAFHC will investigate and mediate housing discrimination complaints, test housing providers and lenders for discriminatory practices, monitor the enforcement of local occupancy codes, and inspect multifamily housing for compliance with the Fair Housing Act's accessibility requirements. CAFHC will conduct fair housing education and outreach activities, including a media campaign on reporting housing discrimination.</p>			
ARIZONA			
Phoenix	Arizona Fair Housing Center	PEI	\$275,000
<p>The Arizona Fair Housing Center (AFHC) will conduct fair housing enforcement and education activities throughout Arizona. AFHC will provide complaint intake, investigation, mediation, and referral services for victims of housing discrimination. AFHC will also recruit and train testers to test housing providers for discriminatory practices and inspect multifamily housing for compliance with the Fair Housing Act's accessibility requirements. Additionally, AFHC will conduct fair housing education and outreach activities for housing providers and consumers. In particular, AFHC will reach out to racial and ethnic minorities, persons with disabilities, and persons with limited English proficiency.</p>			
Tucson	Southwest Fair Housing Council	PEI	\$270,144
<p>The Southwest Fair Housing Council (SWFHC) will provide fair housing enforcement services, including complaint intake, investigation, mediation, and testing. When SWFHC finds evidence of unlawful discrimination, it will file complaints with HUD or FHAP agencies or file lawsuits in federal or state court. SWFHC will also conduct fair housing education and outreach activities. To conduct these activities, SWFHC will partner with government agencies and community-based and faith-based organizations.</p>			
CALIFORNIA			
Los Angeles	Southern California Housing Rights Center	PEI	\$275,000
<p>The Southern California Housing Rights Center (HRC) will receive, investigate, mediate, and refer housing discrimination complaints. HRC will also test the rental and sales markets for discriminatory practices. To raise public awareness of fair housing, HRC will provide fair housing training to housing providers, lenders, and consumers.</p>			
Napa	Greater Napa Fair Housing Center	PEI	\$120,000
<p>The Greater Napa Fair Housing Center, a nonprofit fair housing organization, will provide fair housing enforcement services, including investigation, mediation, and referral of housing discrimination complaints, and testing of housing providers for discriminatory practices. The Greater Napa Fair Housing Center will also conduct fair housing education and outreach activities for the public, persons with disabilities, and persons with limited English proficiency. To carry out these activities, the Greater Napa Fair Housing Center will work with eight grassroots, faith-based and community-based organizations.</p>			

CALIFORNIA (cont'd)			
Oakland	Bay Area Legal Aid	PEI	\$275,000
Bay Area Legal Aid (BayLegal) will conduct fair housing enforcement activities, including the intake, investigation, and mediation of housing discrimination complaints, as well as the recruitment and training of testers. BayLegal will file complaints with HUD, the California Department of Fair Employment and Housing, or the U.S. Department of Justice, or file lawsuits in federal or state court, when necessary. BayLegal will also conduct fair housing training and community education.			
Palo Alto	Project Sentinel	PEI	\$270,000
Project Sentinel is a full service fair housing agency that serves four northern California counties. Project Sentinel will investigate and mediate housing discrimination complaints and conduct testing of the housing market for discriminatory practices. Project Sentinel will work with 28 community organizations to conduct fair housing education and outreach activities for real estate professionals, housing providers, social service providers, and the public. Additionally, Project Sentinel will build on a pilot project that provides redress for victims of predatory lending practices in Santa Clara County.			
San Francisco	California Rural Legal Assistance	PEI	\$275,000
California Rural Legal Assistance (CRLA) is a private, nonprofit corporation that provides legal services to minority and low-income communities in rural California. CRLA will intake, investigate, mediate, and refer housing discrimination complaints. CRLA will also conduct fair housing education and outreach in rural agricultural communities for recent immigrants, for migrant and seasonal farm workers, and for indigenous groups.			
San Rafael	Fair Housing of Marin	PEI	\$275,000
Fair Housing of Marin (FHOM) will conduct fair housing enforcement activities in Contra Costa, Marin, Solano, and Sonoma counties. FHOM will provide complaint intake, investigation, mediation, and referral services. FHOM will also conduct testing of housing providers for discriminatory practices. In addition, FHOM will conduct fair housing education and outreach activities, including workshops on the fair housing rights of persons with disabilities and presentations on how to avoid becoming a victim of predatory lending. FHOM will also produce and disseminate fair housing literature in multiple languages.			
Santa Ana	Orange County Fair Housing Council	PEI	\$175,000
The Fair Housing Council of Orange County (FHCO) is a broad-based, full service fair housing organization that provides intake, investigation, mediation, testing, and referral services for victims of discrimination. FHCO will focus on investigating steering by real estate agents, leasing agents, and homebuilders. FHCO will also conduct fair housing education and outreach activities.			
Upland	Inland Fair Housing and Mediation Board	PEI	\$275,000
The Inland Fair Housing and Mediation Board (IFHMB) will conduct fair housing enforcement activities in the city of Barstow and surrounding rural areas. IFHMB will conduct complaint intake, investigation, mediation, and referrals of housing discrimination complaints. IFHMB will also collaborate with the Fair Housing Council of San Diego to conduct 100 tests for discriminatory housing practices in the Barstow and San Diego regions.			
CONNECTICUT			
Hartford	Connecticut Fair Housing Center	PEI	\$275,000
The Connecticut Fair Housing Center (CFHC) will conduct fair housing enforcement activities, including intake and investigation of housing discrimination complaints, tests of the housing market for racial discrimination, and inspections of multi-family housing for compliance with the Fair Housing Act's accessibility requirements. CFHC will also provide fair housing training sessions for grassroots and faith-based organizations.			
DELAWARE			
Wilmington	Community Legal Aid Society, Inc.	PEI	\$274,621
Community Legal Aid Society, Inc., (CLAS) will conduct fair housing enforcement activities, including complaint intake, investigation, and testing. CLAS will collaborate with the University of Delaware's Center for Community Research and Service to collect and analyze testing data and information on homeowners' insurance redlining in the state. CLAS will also conduct at least 25 fair housing presentations in the state.			

DISTRICT OF COLUMBIA			
District of Columbia	National Community Reinvestment Coalition	PEI	\$230,000
The National Community Reinvestment Coalition (NCRC) will conduct fair housing enforcement activities in the Washington metropolitan area to address the present crisis affecting the home mortgage financing industry. NCRC will conduct investigations and tests of the home mortgage financing industry for discriminatory lending and predatory lending practices. NCRC will file housing discrimination complaints with HUD when the results of its tests suggest discriminatory lending practices.			
District of Columbia	Housing Counseling Services	EOI	\$100,000
Housing Counseling Services (HCS) will conduct fair housing education and outreach activities, including 20 workshops in the Washington metropolitan area. These workshops will provide fair housing information to low- and moderate-income persons. HCS will conduct eight fair housing workshops in foreign languages, such as Amharic, Arabic, Chinese, French, Spanish, and Vietnamese. HCS will also provide training for housing providers and grassroots and faith-based groups. To measure the effectiveness of its activities, HCS will conduct pre- and post-tests and surveys of attendees.			
District of Columbia	Equal Rights Center	EOI	\$100,000
The Equal Rights Center (ERC) will conduct fair housing education and outreach activities in the Washington metropolitan area. These activities will include conducting 15 fair housing workshops and 12 community meetings, and providing 200 organizations with fair housing brochures. ERC will also conduct a multilingual public service announcement campaign focusing on national origin discrimination. Additionally, ERC will create and distribute a fact sheet for housing developers on federal accessibility requirements.			
District of Columbia	Howard University	EOI	\$499,497
The Howard Law Fair Housing Clinic will train and educate law students and lawyers about fair housing laws. The clinical program is divided into seven major components: 1) clinical program of instruction and enhanced curriculum; 2) citizen education and outreach to legally protected classes; 3) attorney and alumni training; 4) promotion of similar or equivalent programs and their ideals at other accredited law schools, especially HBCU law schools; 5) conducting of education and outreach on discriminatory subprime lending, foreclosure, and zoning; 6) development and implementation of Fair Housing Month activities; and 7) working on housing discrimination complaints.			
District of Columbia	National Fair Housing Alliance	EOI	\$999,847
The National Fair Housing Alliance (NFHA) will develop and distribute a comprehensive public service advertising campaign to address rental discrimination and lending discrimination. This media campaign will enable consumers to avoid becoming victimized by predatory lending and foreclosure prevention schemes and will assist consumers who are re-entering the rental market in understanding their full range of housing choices. The campaign will utilize television advertisements, radio advertisements, print advertisements, posters, movie theater advertisements, and airport dioramas. NFHA will also create a website to inform consumers about FHA and other quality loan options and their fair housing rights. NFHA estimates that the campaign will reach more than 121 million consumers and generate more than \$8 million in donated media. NFHA will subcontract with The Causeway Agency and the Leadership Conference on Civil Rights Education Fund to carry out this initiative.			
FLORIDA			
Daytona Beach	Mid-Florida Housing Partnership, Inc.	EOI	\$100,000
Mid-Florida Housing Partnership, Inc., (MFHP) will conduct fair housing education and outreach activities in Flagler, Seminole, and Volusia counties. MFHP will conduct fair housing presentations for the public, particularly homebuyers. These presentations will help persons understand their fair housing rights and how to file a housing discrimination complaint.			
Daytona Beach	Community Legal Services of Mid-Florida, Inc.	PEI	\$275,000
Community Legal Services of Mid-Florida, Inc., (CLSMF) will conduct fair housing enforcement activities, including intake, investigation, mediation, and referral of housing discrimination complaints, and tests of the housing market for unlawful discrimination. Additionally, CLSMF will conduct fair housing education and outreach activities targeted at housing providers, real estate agents, lenders, and consumers. CLSMF will also work with eight county and local municipalities receiving CDBG funds to identify and address impediments to fair housing.			
Jacksonville	Jacksonville Area Legal Aid, Inc.	PEI	\$274,751.66
Jacksonville Area Legal Aid, Inc., (JALA) will conduct fair housing enforcement activities in Baker, Bradford, Clay, Duval, Nassau, and St. Johns counties. JALA will intake, investigate, mediate, and, when necessary, litigate housing discrimination complaints. JALA will also test housing providers for discriminatory practices.			

FLORIDA (Cont'd)			
Miami Gardens	Housing Opportunities Project for Excellence, Inc.	PEI	\$275,000
Housing Opportunities Project for Excellence, Inc., (HOPE) will provide fair housing enforcement services in Broward and Miami-Dade counties. HOPE will conduct complaint intake, investigation, mediation, referral, and litigation. HOPE will also recruit and train testers and test housing providers for unlawful discrimination. HOPE estimates that it will receive 150 complaints, train 35 testers, and conduct 130 tests. Additionally, HOPE will conduct education and outreach activities in Creole and Spanish to reach south Florida's immigrant populations.			
Rockledge	Fair Housing Continuum, Inc.	PEI	\$275,000
The Fair Housing Continuum, Inc., (FHC) will investigate and mediate housing discrimination complaints and inspect multifamily housing for compliance with the Fair Housing Act's accessibility requirements. FHC will refer meritorious complaints to HUD for enforcement. Additionally, FHC will conduct fair housing education and outreach activities.			
Tampa	Bay Area Legal Services, Inc.	PEI	\$234,973.33
Bay Area Legal Services, Inc., (BALS) will conduct fair housing enforcement activities in the City of Tampa and Hillsborough County. BALS estimates that it will investigate 40 housing discrimination complaints, recruit and train 15 testers, and conduct 84 tests of housing providers for discriminatory practices. BALS will also distribute fair housing materials to at least 35 groups. To carry out its activities, BALS will work with the Beth-El Farm Worker Ministry, the Florida Bar Association, the Homeless Coalition, St. John's Progressive Missionary Baptist Church, and the West Central Florida Agency on Aging.			
West Palm Beach	Legal Aid Society of Palm Beach County, Inc.	PEI	\$120,628.72
The Legal Aid Society of Palm Beach County, Inc., will conduct fair housing enforcement activities, including intake, investigation, mediation, and litigation of housing discrimination complaints. The Legal Aid Society will also conduct testing of housing providers for discriminatory practices.			
GEORGIA			
East Point	Metro Fair Housing Services, Inc.	PEI	\$271,248
Metro Fair Housing Services, Inc., (MFHS) will perform fair housing enforcement activities in Butts, Clayton, DeKalb, Fulton, Hall, and Henry counties. MFHS will intake, investigate, mediate, and refer housing discrimination complaints and conduct testing of the housing market for unlawful discrimination. MFHS will also conduct fair housing education and outreach activities, including partnering with faith-based organizations to conduct seminars and distribute brochures and flyers in English and Spanish.			
HAWAII			
Honolulu	Legal Aid Society of Hawaii	PEI	\$275,000
The Legal Aid Society of Hawaii (LASH) will provide a full service fair housing enforcement program. LASH will provide assistance to victims of housing discrimination through complaint intake, investigation, mediation, referrals, and litigation. LASH will also conduct complaint-based and systemic tests of housing providers for unlawful discrimination. LASH will promote public awareness of fair housing laws through education and outreach to housing providers, social service providers, and community organizations.			
IDAHO			
Boise	Intermountain Fair Housing Council	PEI	\$274,796
The Intermountain Fair Housing Council (IFHC) is the only full service fair housing enforcement organization in the state of Idaho. IFHC will conduct complaint intake, investigation, mediation, and referral; tests for rental, sales, lending, or insurance discrimination; and inspections of multifamily housing for compliance with the Fair Housing Act's accessibility requirements. IFHC will also conduct fair housing education and outreach using cable television and Spanish-language radio stations.			

ILLINOIS			
Chicago	Access Living of Metropolitan Chicago	PEI	\$275,000
Access Living of Metropolitan Chicago will conduct a range of enforcement activities to address housing discrimination against persons with disabilities. Access Living will investigate housing discrimination complaints, inspect multifamily housing for compliance with the Fair Housing Act's accessibility requirements, and file complaints and lawsuits, as appropriate. Access Living will also assist persons with disabilities with requesting reasonable accommodations and reasonable modifications. Additionally, Access Living plans to subcontract with Pilsen Alliance, a neighborhood grass-roots organization, to promote fair housing in Chicago's Spanish-speaking and immigrant communities.			
Chicago	Chicago Lawyers' Committee for Civil Rights Under Law	PEI	\$274,994
The Chicago Lawyers' Committee for Civil Rights Under Law will provide fair housing enforcement services in the Chicago metropolitan area, focusing on three communities in the Chicago empowerment zone: the near West Side, Pilsen/Little Village, and the near South Side. The Lawyers' Committee will investigate and mediate housing discrimination complaints and, when necessary, file complaints with HUD or FHAP agencies, or lawsuits in federal or state court. The Lawyers' Committee will also develop and implement strategies to address predatory lending practices.			
Chicago	John Marshall Law School	PEI	\$274,958
The John Marshall Law School's Fair Housing Legal Clinic will provide legal representation to victims of housing discrimination and, when necessary, conduct testing to determine whether discrimination has occurred. The Fair Housing Legal Clinic will also assist persons with disabilities with requesting reasonable accommodations and reasonable modifications. The Fair Housing Legal Clinic will serve the Chicago metropolitan area, including its empowerment zones, as well as northwest Indiana.			
Homewood	South Suburban Housing Center	PEI	\$273,505
The South Suburban Housing Center (SSHC) will conduct fair housing enforcement activities. SSHC will intake, investigate, and mediate housing discrimination complaints. SSHC will also conduct a comprehensive testing program. SSHC estimates that it will investigate 220 housing discrimination complaints, conduct 360 tests of housing providers for discriminatory practices, and conduct 60 inspections of multifamily housing for compliance with the Fair Housing Act's accessibility requirements. SSHC will file enforcement actions with HUD. Additionally, SSHC will work with community organizations, including disability rights groups, to raise awareness of fair housing.			
Rockford	Prairie State Legal Services, Inc.	EOI	\$100,000
Prairie State Legal Services, Inc., (PSLS) will conduct fair housing education and outreach activities in 35 Illinois counties. PSLS will provide legal seminars on fair housing laws, presentations on the fair housing rights of persons with disabilities, and presentations on foreclosure prevention and financial literacy. PSLS will translate all of its educational materials into Spanish.			
Wheaton	HOPE Fair Housing Center	PEI	\$274,490.66
HOPE Fair Housing Center (HOPE) will provide a comprehensive fair housing enforcement program throughout the state of Illinois. HOPE will conduct complaint intake and investigations, as well as complaint-based and systemic testing of the housing market. HOPE estimates that it will conduct a total of 1,000 tests, including 300 telephonic tests, and 30 non-testing investigations in six cities to uncover discrimination in the enforcement of housing codes. HOPE will also collaborate with 15 governmental agencies and community organizations to carry out education and outreach activities.			
Winnetka	Interfaith Housing Center of Northern Suburbs	PEI	\$186,403
Interfaith Housing Center of Northern Suburbs (IHCNS) will provide fair housing enforcement services in Cook and Lake counties. IHCNS will conduct complaint intake, investigation, mediation, and referral, and test housing providers for discriminatory practices. IHCNS estimates that it will investigate at least 35 bona fide complaints, refer at least 15 enforcement proposals to HUD, and examine the results of approximately 50 paired tests conducted under the previous FHIP grant. IHCNS will also conduct fair housing education and outreach activities, including two fair housing and predatory lending victim assistance sessions.			

IOWA			
Des Moines	Iowa Civil Rights Commission	EOI	\$67,126
The Iowa Civil Rights Commission (ICRC) is an antidiscrimination enforcement agency well known for its ability to successfully administer fair housing education and outreach programs. ICRC will work with grassroots and faith-based organizations to distribute fair housing educational materials and conduct fair housing training. ICRC will also conduct a fair housing media campaign in newspapers, on television, and in movie theaters.			
KENTUCKY			
Lexington	Lexington Fair Housing Council	PEI	\$260,476.66
The Lexington Fair Housing Council (LFHC) will provide fair housing enforcement services, including complaint intake, investigation, mediation, testing, and referral. LFHC estimates that it will receive 240 complaints and conduct 660 tests of the sales and rental markets for discriminatory practices. LFHC will also conduct fair housing education and outreach activities, including providing fair housing classes to housing providers; continuing its program to help people avoid becoming victims of predatory lending; and maintaining a hotline to offer fair housing legal advice to the public.			
LOUISIANA			
New Orleans	Greater New Orleans Fair Housing Action Center	PEI	\$275,000
The Greater New Orleans Fair Housing Action Center (FHAC) will conduct an array of fair housing enforcement activities, including intake and investigation of housing discrimination complaints; tests for rental, sales, insurance, and lending discrimination; and recruitment and training of testers. FHAC will also conduct fair housing training sessions for local government officials, housing consumers, and housing providers, as well as other education and outreach activities.			
MAINE			
Portland	Pine Tree Legal Assistance	PEI	\$275,000
Pine Tree Legal Assistance (PTLA) is a full-service fair housing organization providing complaint intake, investigation, and testing services. PTLA will focus its enforcement activities on discrimination against tenants and homeowners in mobile home parks. PTLA will also conduct education and outreach activities to raise awareness of housing discrimination and lending discrimination.			
MASSACHUSETTS			
Boston	Fair Housing Center of Greater Boston	PEI	\$274,750
The Fair Housing Center of Greater Boston will conduct fair housing enforcement activities, including intake and investigation of housing discrimination complaints; recruitment and training of testers; and tests for rental, sales, mortgage lending, and insurance discrimination. The Fair Housing Center will file complaints with HUD, FHAP agencies, or federal or state courts. The Fair Housing Center will also conduct fair housing education and outreach activities.			
Holyoke	Housing Discrimination Project	PEI	\$275,000
The Housing Discrimination Project, Inc., (HDP) will conduct fair housing enforcement activities in Berkshire, Franklin, Hampden, Hampshire, and Worcester counties. HDP will conduct intake and investigation of housing discrimination complaints; conduct tests for rental, sales, and insurance discrimination; and monitor housing advertisements for discriminatory language. HDP will also conduct classes to educate homebuyers on fair housing and avoiding becoming a victim of predatory lending. These classes will be available to persons with disabilities and persons with limited English proficiency. HDP will work with local governments and community organizations to provide fair housing training and distribute fair housing information.			
Worcester	Legal Assistance Corporation of Central Massachusetts	PEI	\$232,000
The Legal Assistance Corporation of Central Massachusetts has partnered with the City of Worcester to develop the Worcester Fair Housing Project. The Project will conduct fair housing enforcement activities, including intake, investigation, mediation, and referral of housing discrimination complaints. The Project will also conduct a comprehensive testing program: It will recruit and train testers and conduct complaint-based and systemic tests of housing providers. Additionally, the Project will conduct fair housing workshops for the public. The Project will partner with local grassroots, faith-based community organizations and local minority-serving institutions to carry out these activities.			

MICHIGAN			
Ann Arbor	Fair Housing Center of Southeastern Michigan	PEI	\$183,549.00
The Fair Housing Center of Southeastern Michigan (FHCSEM) will conduct fair housing enforcement activities in Ingham, Jackson, Lenawee, Livingston, Monroe, and Washtenaw counties. FHCSEM will conduct intake and investigation of housing discrimination complaints, recruitment and training of testers, and tests of housing providers for discriminatory practices. FHCSEM will also help persons with disabilities request reasonable accommodations or reasonable modifications.			
Detroit	Fair Housing Center of Metropolitan Detroit	PEI	\$180,740.00
The Fair Housing Center of Metropolitan Detroit (FHCMD) will provide fair housing enforcement services, including intake, investigation, mediation and, when necessary, referral of housing discrimination complaints to HUD or the U.S. Department of Justice. FHCMD will also file fair housing cases in federal or state court. FHCMD will recruit and train testers and conduct an estimated 165 tests of housing providers. FHCMD will also conduct fair housing education and outreach activities.			
Detroit	Legal Aid and Defender Association, Inc.	PEI	\$275,000
The Legal Aid and Defender Association, Inc., will conduct fair housing enforcement activities in Oakland and Macomb counties. The Association will investigate and mediate housing discrimination complaints and test housing providers for discriminatory practices. The Association estimates that it will train 100 new testers and conduct 140 paired tests. The Association will also work with grassroots and faith-based groups to hold educational sessions, including sessions on accessibility issues.			
Flint	Legal Services of Eastern Michigan	PEI	\$208,561
Legal Services of Eastern Michigan (LSEM) will conduct fair housing enforcement activities in Bay, Genesee, Midland, and Saginaw counties. The area includes two cities with the highest levels of segregation in the state. LSEM will conduct complaint intake, investigations, mediation, and referral; recruit and train testers; and conduct complaint-based and systemic tests of the housing market. LSEM will partner with units of local government and minority-serving institutions to deliver fair housing services.			
Grand Rapids	Fair Housing Center of West Michigan	PEI	\$274,603.66
The Fair Housing Center of West Michigan (FHCWM) will conduct fair housing enforcement activities in 11 west Michigan counties. These activities will include complaint intake, investigation, and mediation; recruitment and training of testers; tests of housing providers for unlawful discrimination; and inspections of multifamily housing for compliance with the Fair Housing Act's accessibility requirements. FHCWM estimates that it will provide fair housing enforcement services to 360 clients. FHCWM will also partner with HUD and other government agencies and faith-based and community-based groups to provide fair housing education and outreach to English and non-English speaking clients.			
Kalamazoo	Fair Housing Center of Southwest Michigan	PEI	\$162,225
The Fair Housing Center of Southwest Michigan (FHCSWM) will conduct fair housing enforcement activities in nine southwest Michigan counties: Allegan, Barry, Berrien, Branch, Calhoun, Cass, Kalamazoo, St. Joseph, and Van Buren. These activities will include complaint intake and investigation; assistance with reasonable accommodation/modification requests; tester recruitment; and tests of the sales and rental markets for unlawful discrimination. FHCSWM will also collaborate with other organizations to remove regulatory barriers to affordable housing.			
MINNESOTA			
Minneapolis	Legal Aid Society of Minneapolis	PEI	\$275,000
The Legal Aid Society of Minneapolis (LASM) will partner with Southern Minnesota Regional Legal Services to provide fair housing enforcement services in the Minneapolis/St. Paul area and 53 southern and central Minnesota counties. LASM will conduct complaint intake, investigation, mediation, and referral for victims of housing discrimination. Additionally, LASM will provide technical assistance on fair housing laws to advocates, agencies, and lawyers.			
MISSOURI			
St. Louis	Metropolitan St. Louis Equal Housing Opportunity Council	PEI	\$224,379
The Metropolitan St. Louis Equal Housing Opportunity Council (EHOC) is the only private, not-for-profit fair housing enforcement agency serving the St. Louis metropolitan area. EHOC will conduct intake and investigation of housing discrimination complaints and tests of housing providers for unlawful discrimination. EHOC will also conduct enforcement and education activities to substantially increase the number of affordable housing units that are accessible to persons with disabilities in the eight-county region.			

NEBRASKA			
Omaha	Family Housing Advisory Services, Inc.	PEI	\$275,000
Family Housing Advisory Services, Inc., (FHAS) will provide fair housing enforcement services in Nebraska and western Iowa. FHAS will conduct complaint intake at various locations, including shelters and faith-based and community-based organizations; conduct tests for rental, sales, and lending discrimination; and maintain a 24-hour toll-free hotline and a website. FHAS will also provide fair housing training to staff of community agencies.			
NEVADA			
Reno	Silver State Fair Housing Council	PEI	\$268,606
The Silver State Fair Housing Council (SSFHC) will provide fair housing enforcement services throughout the state of Nevada. SSFHC will conduct intake, investigation, mediation, and referral of housing discrimination complaints; recruitment and training of testers; tests of the housing market for unlawful discrimination; and inspections of multifamily housing for compliance with the Fair Housing Act's accessibility requirements. SSFHC will also assist persons with disabilities with requests for reasonable accommodations or reasonable modifications. Additionally, SSFHC will promote public awareness of fair housing, by conducting 23 fair housing training sessions for attorneys, community advocates, design professionals, and housing providers.			
NEW HAMPSHIRE			
Concord	New Hampshire Legal Assistance	PEI	\$223,556.93
New Hampshire Legal Assistance (NHLA) will investigate housing discrimination complaints and, if necessary, file complaints with HUD or state or federal courts. NHLA will also conduct testing of mortgage lenders for discriminatory practices. NHLA will promote public awareness of fair housing by conducting fair housing forums for persons with disabilities and ensuring that its website is accessible to persons with disabilities and persons with limited English proficiency.			
NEW JERSEY			
Hackensack	Fair Housing Council of Northern New Jersey	PEI	\$275,000
Fair Housing Council of Northern New Jersey (FHCNNJ) will conduct fair housing enforcement activities, including the intake, investigation, mediation, and referral of housing discrimination complaints, and the training of 90 testers to conduct rental and sales tests. In addition, FHCNNJ will inform people of their fair housing rights by distributing 6,000 fair housing flyers to community groups, faith-based organizations, local shops and markets, and other places. These efforts will target racial and ethnic minorities and persons with disabilities.			
Newark	Citizen Action of New Jersey	EOI	\$100,000
Citizen Action of New Jersey will conduct education and outreach activities on lending discrimination and predatory lending. These efforts will target community leaders, low- and moderate-income persons, senior citizens, persons with disabilities, and persons with limited English proficiency.			
NEW MEXICO			
Albuquerque	ACORN Associates	EOI	\$99,974
ACORN Associates will partner with grassroots and faith-based organizations to conduct workshops on the Fair Housing Act and on how to avoid becoming a victim of lending discrimination or predatory lending. ACORN Associates will ensure that its activities are available to all persons, including persons with disabilities and persons with limited English proficiency.			
NEW YORK			
Brooklyn	South Brooklyn Legal Services, Inc.	PEI	\$183,333
South Brooklyn Legal Services, Inc., (SBLs) will help victims of discriminatory home sales and financing practices in New York City. SBLs will conduct initial intake interviews, and investigate, resolve, or send complaints to HUD. SBLs will also train attorneys and advocates on assisting victims of housing and lending discrimination.			
Brooklyn	New York Agency for Community Affairs	PEI	\$99,427
The New York Agency for Community Affairs (NYACA) will conduct fair housing education and outreach activities in Nassau County. NYACA will partner with grassroots and faith-based organizations to inform racial and ethnic minorities, persons with limited English proficiency, and persons with disabilities of their fair housing and fair lending rights. In addition, NYACA will analyze Home Mortgage Disclosure Act data for evidence of lending discrimination.			

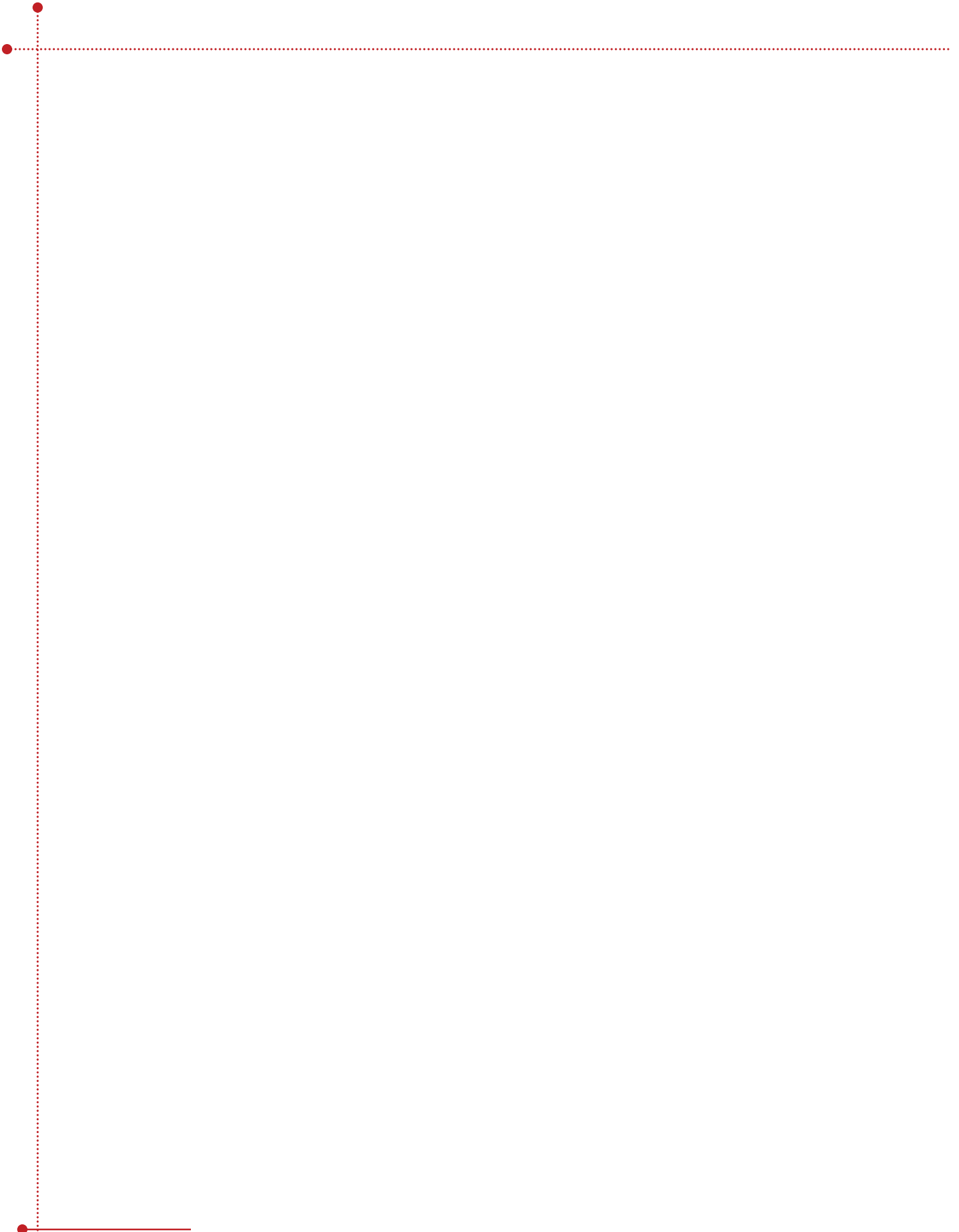
NEW YORK (Cont'd)			
Buffalo	Housing Opportunities Made Equal, Inc.	PEI	\$263,846.33
Housing Opportunities Made Equal, Inc., (HOME) will provide fair housing enforcement services in the Buffalo-Niagara region. HOME will conduct intake, investigation, and mediation of housing discrimination complaints and, if necessary, refer complaints to HUD or FHAP agencies. HOME will also administer a revolving litigation fund to support its fair housing litigation activities. HOME will also conduct testing of housing providers for discriminatory practices. To promote public awareness of fair housing, HOME will conduct 12 training sessions for grassroots and faith-based organizations and minority-serving institutions.			
Buffalo	Buffalo Urban League	EOI	\$90,000
The Buffalo Urban League will publish and disseminate brochures, door hangers, flyers, and pamphlets about fair housing, mortgage foreclosure prevention, and predatory lending. These materials will be published in English, Spanish, and other languages, as needed. The Urban League will also conduct a media campaign that consists of a public access television show, radio appearances, and articles and advertisements in minority newspapers.			
Long Island	Long Island Housing Services, Inc.	PEI	\$270,417
Long Island Housing Services, Inc., (LIHS) will investigate housing discrimination complaints, recruit and train testers, and conduct tests of the housing market. LIHS will file complaints with HUD when its investigation and testing activities uncover unlawful discrimination. LIHS also plans to co-sponsor or participate in fair housing seminars for government officials, housing providers, and the public.			
New York	HELP Social Service Corporation	PEI	\$274,995
HELP Social Service Corporation (HELP) will conduct fair housing enforcement activities in New York City. HELP will conduct complaint intake and investigation, recruit and train testers, conduct testing of the sales and rental markets for discriminatory practices, and refer housing discrimination complaints to HUD. HELP will also conduct fair housing education and outreach.			
Rochester	Legal Assistance of Western New York, Inc.	PEI	\$197,500
Legal Assistance of Western New York, Inc., (LAWNY) will conduct fair housing enforcement activities in Monroe County and five surrounding rural counties. These activities will include complaint intake, investigation, mediation, and referrals. LAWNY will also implement a rural area testing component. LAWNY will partner with the Geneva Human Rights Commission to conduct testing of housing discrimination complaints that are filed with the commission.			
Syracuse	Fair Housing Council of New York, Inc.	PEI	\$211,346
The Fair Housing Council of New York, Inc., (FHCNY) will conduct fair housing enforcement activities in Cayuga, Jefferson, Onondaga, Oswego, and St. Lawrence counties. FHCNY will conduct complaint intake, investigation, mediation, and referral. FHCNY will also conduct testing of the lending market for lending discrimination. FHCNY will ensure that its services are available to all persons, including persons with limited English proficiency and persons with disabilities.			
White Plains	Westchester Residential Opportunities	PEI	\$261,895
Westchester Residential Opportunities (WRO) will conduct fair housing enforcement activities in Putnam, Rockland, and Westchester counties. WRO will conduct complaint intake, investigation, mediation, and referral. WRO will also conduct tests of the sales and rental markets for discriminatory practices. To carry out these activities, WRO will partner with the Rockland County Human Rights Commission and the Westchester County Human Rights Commission.			
NORTH DAKOTA			
Bismarck	Fair Housing of the Dakotas	PEI	\$220,545.66
Fair Housing of the Dakotas (FHD) will conduct fair housing enforcement, education, and outreach activities in North Dakota and South Dakota. Specifically, FHD will provide complaint intake, investigation, mediation, and referral services for victims of discrimination and will test housing providers and mortgage lenders for discriminatory practices. To help raise public awareness of fair housing, FHD will conduct 24 fair housing workshops on a wide range of topics, including accessibility and predatory lending, and distribute fair housing publications.			

OHIO			
Akron	Fair Housing Contact Service	PEI	\$275,000
The Fair Housing Contact Service will conduct fair housing enforcement activities in Medina, Portage, Stark, Summit, and Tuscarawas counties. These activities will include the intake, investigation, mediation, and referral of housing discrimination complaints, and the testing of rental housing for discriminatory practices. The Fair Housing Contact Service will ensure that persons who are deaf or hard of hearing and persons with limited English proficiency will have meaningful access to its services. Additionally, Fair Housing Contact Service will collaborate with the Ohio Civil Rights Commission to conduct training on accessibility and other topics.			
Cincinnati	Housing Opportunities Made Equal of Greater Cincinnati	PEI	\$273,815.40
Housing Opportunities Made Equal of Greater Cincinnati (HOME) will provide complaint intake, investigation, mediation, and referral services for victims of discrimination. HOME will also conduct tests of housing providers for discriminatory practices, and inspections of multifamily housing for compliance with the Fair Housing Act's accessibility requirements. In addition, HOME will conduct targeted fair housing education and outreach activities, such as fair housing training sessions for mental health providers. Additionally, HOME will partner with a local grassroots organization to provide fair housing education in a single low- and moderate-income Cincinnati neighborhood.			
Cleveland	Housing Advocates, Inc.	PEI	\$275,000
Housing Advocates, Inc., will provide fair housing enforcement services in Cleveland and five surrounding counties, as well as Columbus and 10 surrounding counties. Housing Advocates will provide complaint intake, investigation, mediation, and referral services and conduct testing for housing discrimination. Housing Advocates will focus its enforcement efforts on disability discrimination, linguistic profiling, and predatory lending. Housing Advocates will also examine tenant selection by public housing agencies for discriminatory practices.			
Cleveland	Housing Research and Advocacy Center	PEI	\$275,000
The Housing Research and Advocacy Center and its subcontractors, Fair Housing Resource Center and Heights Community Congress, will provide fair housing enforcement services in the Cleveland metropolitan area. The Housing Research and Advocacy Center will perform intake, investigation, mediation, and referral of housing discrimination complaints; test the sales, rental, lending, and insurance markets for evidence of discrimination; and inspect multifamily housing for compliance with the Fair Housing Act's accessibility requirements. In addition, Housing Research and Advocacy Center will monitor housing advertisements for discriminatory language.			
Dayton	Miami Valley Fair Housing Center, Inc.	PEI	\$275,000
The Miami Valley Fair Housing Center, Inc., (MVFHC) will provide complaint intake, investigation, mediation, and referral services for victims of discrimination, and conduct systemic investigations of linguistic profiling and predatory lending.			
Painesville	Fair Housing Resource Center, Inc.	PEI	\$275,000
The Fair Housing Resource Center, Inc., will provide fair housing enforcement services in Ashtabula, Geauga, and Lake counties. Fair Housing Resource Center will conduct complaint intake, investigation, mediation, and referral, and perform tests of rental housing for discrimination based on race, disability, or familial status. Additionally, the Fair Housing Resource Center will perform tests of the lending and insurance markets for unlawful discrimination.			
Toledo	Fair Housing Opportunities, Inc., dba Fair Housing Center	PEI	\$275,000
The Fair Housing Center (FHC) will conduct fair housing enforcement activities in northwest Ohio. FHC will investigate housing discrimination complaints and conduct undercover testing of housing providers to look for evidence of systemic discrimination. Additionally, FHC will conduct fair housing education and outreach activities.			
OKLAHOMA			
Oklahoma City	Metropolitan Fair Housing Council	PEI	\$274,900
The Metropolitan Fair Housing Council (MFHC) will provide fair housing enforcement services throughout Oklahoma. MFHC will conduct complaint intake, investigation, mediation, and referral, and conduct testing of the rental, sales, or lending markets for discriminatory practices. MFHC will also inspect multifamily housing for compliance with the Fair Housing Act's accessibility requirements. Additionally, MFHC will conduct a statewide public information campaign on fair housing.			

OREGON			
Portland	Fair Housing Council of Oregon	PEI	\$275,000
The Fair Housing Council of Oregon will conduct complaint intake, investigation, mediation, and referral of housing discrimination complaints, and conduct testing of the housing market for discriminatory practices. The Fair Housing Council of Oregon will also conduct fair housing education and outreach activities, including three regional technical assistance clinics.			
Portland	Legal Aid Services of Oregon	EOI	\$81,759
Legal Aid Services of Oregon (LASO) will conduct fair housing education and outreach activities. These activities will include the development of fair housing curricula, training materials, best practices guides, and a flyer on the Fair Housing Act's accessibility requirements. LASO will also conduct six seminars on the history of housing discrimination in Oregon.			
PENNSYLVANIA			
Erie	St. Martins Center	EOI	\$100,000
St. Martin Center (SMC) is a faith-based social services agency with more than 55 years of experience in the community. SMC will conduct fair housing education and outreach activities and refer housing discrimination complaints to HUD.			
Glenside	Fair Housing Center in Southeastern Pennsylvania	PEI	\$275,000
The Fair Housing Center in Southeastern Pennsylvania (FHCSPP), formerly the Fair Housing Council of Montgomery County, will conduct fair housing enforcement, education, and outreach activities in Philadelphia and its surrounding counties of Bucks, Chester, Delaware, and Montgomery. FHCSPP will provide complaint intake, investigation, mediation, and referral services to victims of discrimination. FHCSPP will also test the housing market for discrimination against racial and ethnic minorities, persons with disabilities, and families with children, and inspect multifamily housing for compliance with the Fair Housing Act's accessibility requirements. Additionally, FHCSPP will provide fair housing education to first-time homebuyers.			
Pittsburgh	The Fair Housing Partnership of Greater Pittsburgh, Inc.	PEI	\$275,000
The Fair Housing Partnership of Greater Pittsburgh, Inc., (FHPPG) will provide fair housing enforcement services in Pittsburgh and six surrounding counties. FHPPG will conduct complaint intake, investigation, mediation, and referral of housing discrimination complaints. FHPPG will also recruit and train testers to conduct tests of the housing market for discrimination against racial and ethnic minorities.			
Swarthmore	Fair Housing Council of Suburban Philadelphia	PEI	\$274,817.66
The Fair Housing Council of Suburban Philadelphia (FHCSPP) will conduct individual and systemic investigations and refer enforcement actions to HUD, the U.S. Department of Justice, or the Pennsylvania Human Relations Commission. FHCSPP expects to conduct 210 investigations and 340 rental, sales, lending, and insurance tests during the grant period. Additionally, FHCSPP will conduct fair housing education and outreach activities, including holding workshops and distributing fair housing materials.			
TENNESSEE			
Jackson	West Tennessee Legal Services, Inc.	PEI	\$275,000
West Tennessee Legal Services, Inc., (WTLS) will conduct a range of fair housing enforcement activities, including the intake, investigation, mediation, and referral of housing discrimination complaints. WTLS will also conduct tests of the housing market for unlawful discrimination.			
Nashville	Tennessee Fair Housing Council	PEI	\$275,000
The Tennessee Fair Housing Council will provide fair housing enforcement services in Cheatham, Davidson, Dickson, Rutherford, Sumner, Williamson, and Wilson counties. These activities will include the intake, investigation, mediation, and referral of housing discrimination complaints; the recruitment and training of new testers; and complaint-based and systemic testing of the sales and rental markets. The Tennessee Fair Housing Council will also conduct six fair housing training sessions for persons with disabilities and a training session for college students.			

TEXAS			
Austin	Austin Tenants' Council, Inc.	PEI	\$274,707
The Austin Tenants' Council, Inc., (ATC) will conduct fair housing enforcement activities, including the intake, investigation, mediation, and referral of housing discrimination complaints. ATC will also conduct testing of housing providers for discrimination against racial and ethnic minorities and persons with disabilities, as well as testing of independent- and assisted-living facilities for discrimination against persons with disabilities. ATC will also inspect multifamily housing for compliance with the Fair Housing Act's accessibility requirements and monitor housing advertisements for discriminatory language. Additionally, ATC will promote fair housing awareness through television, radio, and print advertisements, focusing on fair housing for racial and ethnic minorities and persons with disabilities.			
Garland	Garland Fair Housing Office	EOI	\$100,000
The Garland Fair Housing Office (GFHO) will conduct a fair housing education and outreach campaign to inform residents about unlawful housing discrimination and available recourse. GFHO will target this campaign to racial and ethnic minorities and persons with limited English proficiency. GFHO expects to reach approximately 28,000 people. GFHO will refer complaints to HUD or the Garland Office of Housing and Neighborhood Services.			
Houston	Greater Houston Fair Housing Center	PEI	\$275,000
The Greater Houston Fair Housing Center (GHFHC) will provide fair housing enforcement services in the Houston metropolitan area. GHFHC will provide complaint intake, investigation, mediation, and referral services for victims of discrimination. These services will be provided in both English and Spanish. GHFHC will also recruit and train 20 testers, conduct 85 tests of housing providers for discriminatory practices, and inspect 10 multifamily developments for compliance with the Fair Housing Act's accessibility requirements. Additionally, GHFHC will work with faith-based organizations to conduct fair housing education and outreach.			
San Antonio	San Antonio Fair Housing Council, Inc.	PEI	\$275,000
The San Antonio Fair Housing Council, Inc., (SAFHC) will conduct fair housing enforcement activities in south Texas. Specifically, SAFHC will conduct intake, investigation, mediation, and referral of housing discrimination complaints; perform tests of the rental, sales, and lending markets for discriminatory practices; and inspect multifamily developments for compliance with the Fair Housing Act's accessibility requirements. SAFHC will also conduct 60 community meetings on fair housing.			
VERMONT			
Burlington	Champlain Valley Office of Economic Opportunity	EOI	\$100,000
The Champlain Valley Office of Economic Opportunity (CVOEO) will conduct workshops for state and municipal officials on addressing regulatory barriers to affordable housing. CVOEO will also conduct workshops for community groups and residents on fair housing. CVOEO will develop and distribute a DVD to aid in this effort.			
Burlington	Vermont Legal Aid, Inc.	PEI	\$275,000
Vermont Legal Aid, Inc., will provide fair housing enforcement, education, and outreach services. Vermont Legal Aid will conduct complaint intake, investigation, mediation, and referral for victims of housing discrimination. Vermont Legal Aid will also test the sales and rental markets for discrimination against racial and ethnic minorities, persons with disabilities, and families with children, and examine zoning regulations for discrimination. Additionally, Vermont Legal Aid will hold five workshops for first-time homebuyers and develop and distribute material on the Fair Housing Act.			
VIRGINIA			
Charlottesville	Piedmont Housing Alliance	EOI	\$62,217
Piedmont Housing Alliance will conduct fair housing education and outreach activities. Piedmont Housing Alliance will partner with community groups to conduct 12 classes on fair housing, 12 classes on home buying and lending, and two seminars on accessible housing. Piedmont Housing Alliance will also place television, radio, and print advertisements, and undertake other activities to increase public awareness of fair housing. Piedmont Housing Alliance will refer housing discrimination complaints to HUD.			

WASHINGTON			
Spokane	Northwest Fair Housing Alliance	PEI	\$275,000
<p>The Northwest Fair Housing Alliance (NWFHA) will provide fair housing enforcement services in 17 counties of central and eastern Washington. NWFHA will conduct complaint intake, investigation, mediation, and referral for victims of discrimination, and test the rental and sales markets for discrimination. NWFHA will reach out to racial and ethnic minorities and persons with disabilities, but will make its services available to everyone.</p>			
Tacoma	Fair Housing Center of Washington	PEI	\$275,000
<p>The Fair Housing Center of Washington (FHCW) will conduct fair housing enforcement, education, and outreach in central and western Washington. FHCW will conduct complaint intake, investigation, mediation, and referral; recruit and train 30 testers; and test the housing market for unlawful discrimination. FHCW expects that it will assist 225 persons with disabilities with requests for reasonable accommodations or reasonable modifications. FHCW will also collaborate with community-based and faith-based organizations to provide fair housing education and outreach, particularly to recent immigrants and homeless persons.</p>			
WISCONSIN			
Milwaukee	Metropolitan Milwaukee Fair Housing Council	PEI	\$274,921.33
<p>The Metropolitan Milwaukee Fair Housing Council (MMFHC) will conduct a statewide enforcement project. MMFHC will conduct complaint intake, investigation, mediation, and referral for victims of discrimination. MMFHC will also conduct systemic investigations, including a multi-jurisdictional investigation of housing providers for discrimination against African Americans, investigations of lenders for predatory lending practices, and investigations of multifamily developments for compliance with the Fair Housing Act's accessibility requirements. MMFHC will recruit and train testers to aid in its enforcement efforts.</p>			



APPENDIX E: FAIR HOUSING AND CIVIL RIGHTS IN HUD PROGRAMS

HUD REPORTING RESPONSIBILITIES

The Fair Housing Act requires that HUD annually report to Congress, and make available to the public, data on the race, color, religion, sex, national origin, age, disability, and family characteristics of households who are applicants for, participants in, or beneficiaries or potential beneficiaries of programs administered by the Department, to the extent that such characteristics are within the coverage of the provisions of law and Executive Orders set forth below.

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968
- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975
- Equal Credit Opportunity Act
- Section 1978 of the Revised Statutes
- Section 8(a) of the Small Business Act
- Section 527 of the National Housing Act
- Section 109 of the Housing and Community Development Act of 1974
- Section 3 of the Housing and Urban Development Act of 1968
- Executive Orders 11063, 11246, 11625, 12250, 12259, and 12432

RACIAL AND ETHNIC CATEGORIES

Prior to the 2000 census, the Office of Management and Budget (OMB) significantly revised its standards for federal agencies that collect, maintain, and report data on race and ethnicity. HUD implemented this data format on January 1, 2003.

The new OMB standards allow individuals responding to inquiries about race to select one or more of five racial categories: (1) "American Indian or Alaska Native;" (2) "Asian;" (3) "Black or African American;" (4) "Native Hawaiian or Other Pacific Islander;" and (5) "White." The new OMB format, like the previous approach, treats ethnicity separately from race. Persons must choose one of two ethnic categories: (1) "Hispanic or Latino;" or (2) "Not Hispanic or Latino."

The previous OMB guidelines on race had been in place since 1977. Under those guidelines, there were only four racial categories: (1) "American Indian or Alaska Native;" (2) "Asian or Pacific Islander;" (3) "Black;" and (4) "White." Persons also did not have the option of selecting multiple categories. In the past, some agencies incorrectly classified Hispanic as a race instead of an ethnic category.

In FY 2008, some HUD programs used the old categories; others conformed to the current categories; and others used a combination of the two formats.

The following sections briefly describe HUD-funded programs and report on the protected characteristics of beneficiaries of these programs.

FEDERAL HOUSING ADMINISTRATION

The National Housing Act created the Federal Housing Administration (FHA), which insures private lenders against loss on mortgage financing for single-family homes, multifamily housing projects, health care facilities, property improvement, and manufactured homes. By insuring private lenders against loss, FHA encourages lenders to invest capital in single-family, multifamily, and other housing markets.

For single-family loans, FHA insures up to 98.75 percent of the appraised value of the property. Depending on the size of the loan, a single-family loan can be for up to 30 years. Most mortgagors pay at least a 3 percent down payment, but the Secretary may require a larger amount.

Table E.1 provides data on the race and sex of mortgagors who obtained FHA-insured single-family purchase loans or FHA-insured single-family refinance loans in FY 2008. FHA classifies loans based on the sex of the first borrower on the loan papers, regardless of whether there was a co-borrower. Therefore, the loans classified as “male” or “female” could be to a single adult, a couple, or any other household configuration.

Table E.1: Protected Characteristics of Mortgagors Who Obtained FHA-Insured Single-Family Home Purchase Loans or FHA-Insured Single-Family Refinance Loans, FY 2008

Protected Characteristic	Purchase Loans	Purchase Loans	Refinance Loans	Refinance Loans
Number of Loans/Dollar Amount of Loans	631,654	\$101,990,638,740	455,789	\$79,185,227,155
Race				
American Indian or Alaska Native	0.4%	0.4%	0.4%	0.4%
Asian	1.5%	2.1%	0.8%	1.0%
Black or African American	12.2%	11.9%	14.8%	14.9%
Native Hawaiian or Other Pacific Islander	0.8%	1.0%	0.8%	0.9%
White	66.1%	64.6%	66.0%	64.6%
Hispanic	13.2%	13.6%	8.1%	8.8%
Mixed Race	0.3%	0.3%	0.3%	0.3%
Not Disclosed	5.5%	6.1%	8.8%	9.1%
Sex				
Female	33.8%	31.7%	32.2%	30.8%
Male	63.9%	65.8%	64.4%	65.8%
Not Disclosed	2.3%	2.4%	3.4%	3.4%

Percentages may not total 100 percent due to rounding.

Source: Single Family Data Warehouse

MULTIFAMILY SUBSIDIZED HOUSING PROGRAMS

Project Rental Subsidies

The rental subsidies described below are paid to owners on behalf of tenants to keep their rents affordable. The assistance is tied to the property and differs in that respect from tenant-based rental assistance programs (e.g., housing choice vouchers), where the subsidy follows the tenant when the tenant moves to another property.

- **Project-Based Section 8**

Through Project-Based Section 8, HUD provides rental assistance to families in assisted FHA-insured and noninsured properties to ensure that these properties remain affordable to low-income families.

- **Rent Supplement Contracts**

The Rent Supplement program was established by the Housing and Urban Development Act of 1965. Until the program was suspended under the housing subsidy moratorium of January 5, 1973, rent supplement contracts were available to Section 221(d)(3) BMIR, Section 231, Section 236 (insured and noninsured), and Section 202 properties for the life of the mortgage. The suspension stopped the funding of any additional projects, although previously funded projects continue to receive funding.

- **Rental Assistance Payment (RAP) Contracts**

RAP was established by the Housing and Community Development Act of 1974 to provide additional rental assistance to property owners on behalf of very low-income tenants. RAP is available only to Section 236 properties and was the predecessor of the Project-Based Section 8 program.

- **Section 202 Supportive Housing for the Elderly**

Section 202 Supportive Housing for the Elderly helps expand the supply of affordable housing with supportive services for the elderly. Section 202 housing provides elderly persons with options for independent living in an environment that offers services such as cooking, cleaning, and transportation. Once the project is developed, funding is provided through the Section 202 project rental assistance contract (PRAC) to cover the difference between the HUD-approved operating cost for the project and the tenants' contributions toward rent.

In order to live in Section 202 housing, a household must be very low-income (below 50 percent of the median income for the area) and must have at least one member who is age 62 or older.

- **Section 811 Supportive Housing for Persons with Disabilities**

Section 811 Supportive Housing for Persons with Disabilities allows persons with disabilities to live independently, by providing a supply of rental housing that has supportive services. Once the project is developed, funding is provided through a Section 811 PRAC to cover the difference between the HUD-approved operating cost for the project and the tenants' contributions toward rent.

In order to live in Section 811 housing, a household, which may consist of a single qualified person, must be very low-income and at least one member must be at least 18 years of age and have a disability, such as a physical or developmental disability or chronic mental illness.

Direct Loans

- **Section 202 Direct Formula Interest Rate Loans**

The Section 202 Direct Formula Interest Rate Loan program replaced the Section 202 Direct Low-Interest Loan program. Both programs provided long-term, direct loans to finance housing for elderly persons or persons with disabilities. However, formula interest rate loans carried an interest rate based on the average yield on 30-year marketable obligations of the United States, and properties were developed with 100 percent Section 8 assistance to help keep units affordable to low-income families. This program is commonly referred to as Section 202/8. While no new projects have been developed under this program since 1991, previously developed projects are still in operation.

The Section 202 Direct Formula Interest Rate Loan program ended in 1991, becoming the Section 202 Capital Advance program and the Section 811 Capital Advance program. Both programs have PRAC funding, which is described above. The Section 202 Capital Advance program serves elderly persons, while the Section 811 Capital Advance program develops housing for persons with disabilities.

Table E.2 provides data on the race, ethnicity, age, sex, disability, and familial status of households receiving assistance from rental subsidies and direct loans in the 18-month period ending September 30, 2008. The data on race, ethnicity, age, and sex were provided for the head of household only, regardless of the composition of the household. The number of households represents beneficiaries that have submitted data to HUD.

Table E.2: Protected Characteristics of Households Provided with Housing Assistance from Rental Subsidies and Direct Loans, for the 18-Month Period Ending September 30, 2008⁴

Protected Characteristic	Project-Based Section 8 ¹	Rent Supplement	Rental Assist. Program	Section 202 PRAC	Section 811 PRAC ²	Section 202 Direct Loan w/ Section
Number of Reported Households³	1,046,107	11,187	14,830	98,469	27,759	168,535
Race						
Black	35.4%	33.6%	44.9%	23.3%	22.3%	20.0%
White	57.8%	60.6%	48.6%	66.9%	73.1%	73.0%
Other	4.8%	2.6%	4.4%	7.6%	2.4%	5.4%
Data Not Available	2.0%	3.2%	2.1%	2.2%	2.2%	1.6%
Ethnicity						
Hispanic	13.3%	18.9%	14.7%	11.9%	5.3%	10.9%
Not Hispanic	86.7%	81.1%	85.3%	88.1%	94.7%	89.1%
Age						
Younger than 31	23.2%	12.0%	13.1%	0.0%	12.7%	1.6%
31–41	11.7%	12.0%	11.0%	0.1%	19.6%	2.8%
42–51	11.6%	14.1%	12.7%	0.2%	30.4%	6.0%
52–61	12.0%	14.9%	14.0%	0.4%	24.8%	8.9%
62 or Older	41.5%	47.0%	49.2%	99.3%	12.5%	80.7%
Sex						
Female	75.8%	72.1%	72.8%	72.7%	47.5%	68.3%
Male	24.1%	27.9%	27.2%	27.2%	52.4%	31.6%
Disability						
Households Reporting a Disability ⁴	23.4%	22.6%	18.1%	4.3%	97.3%	25.6%
Families with Children						
Households with Children ⁵	34.1%	27.1%	27.2%	0.0%	2.6%	0.4%
Data are from the TRACS system for the 18-month period ending on September 30, 2008. A household was excluded if its record showed a head of household younger than 15 years of age or older than 105 years of age or if the record showed either program termination or move-out.						
1. The Project-Based Section 8 column includes Section 8 new construction, substantial rehabilitation, property disposition, projects with Loan Management Set Asides (LMSA), and Rural Housing. This includes Section 236 and BMIR projects with LMSA. These households are not included in Table E.3 to avoid duplication. This column does not include households covered under Section 202/8.						
2. The Section 811 PRAC column contains a small number of Section 202/162 Project Assistance Contract (PAC) households.						
3. "Reported Households" reflects the number of households with tenant data reports in the TRACS system.						
4. "Households Reporting a Disability" reflects that the head, spouse, or co-head was shown as disabled.						
5. "Households with Children" reflects a household with at least one child younger than 18 years of age.						

Source: Tenant Rental Assistance Certification System (TRACS)

⁴ The number of households receiving assistance from Rental Subsidies and Direct Loans is reported differently in the FY 2008 Annual Report on Fair Housing and the FY 2008 Performance and Accountability Report (PAR). The Annual Report on Fair Housing reports the number of households for which demographic information was reported to HUD, while the PAR shows the number of subsidized units available for occupancy.

MULTIFAMILY/FHA HOUSING PROGRAMS

Financing Subsidies: Mortgage Insurance and Mortgage Interest Rate Subsidies

- **Section 236**

This FHA program, established by the Housing and Urban Development Act of 1968, combines federal mortgage insurance with interest reduction payments to encourage the production of low-cost rental housing. While no longer providing insurance or subsidies for new mortgage loans, existing Section 236 properties continue to receive interest subsidies. Under this program, HUD provides interest subsidies in order to lower a project's mortgage interest rate to as little as one percent. The interest reduction payment results in lower operating costs and, consequently, a reduced rent structure.

The Section 236 basic rent is the rent that the owner must collect to cover the property's costs, given the mortgage interest reduction payments made to the property. All tenants pay at least the Section 236 basic rent and, depending on their income level, may pay a rent up to the Section 236 market rent.

Some Section 236 properties experienced escalating operating costs that have caused the basic rent to increase beyond levels that are affordable to many low-income tenants. To maintain the financial health of the property, HUD may have allocated project-based rental assistance through a Section 8 Loan Management Set-Aside (LMSA) to a Section 236 property. Some Section 236 properties receive other forms of project-based rental assistance from programs such as the Rent Supplement program.

- **Section 221(d)(3) Below Market Interest Rate (BMIR)**

This FHA program insures and subsidizes mortgage loans to facilitate the new construction or substantial rehabilitation of multifamily rental or cooperative housing for low- and moderate-income families. This program no longer provides subsidies for new mortgage loans, but existing Section 221(d)(3) BMIR properties are still in operation.

Families living in Section 221(d)(3) BMIR projects are considered subsidized because the reduced rents for these properties are made possible by subsidized mortgage interest rates. Some BMIR projects experienced escalating operating costs that have caused the BMIR rents to increase beyond levels that are affordable to low- and moderate-income tenants. When this occurs, HUD may have allocated project-based rental assistance through an LMSA to these properties to decrease vacancies and improve the project's financial position.

Table E.3 provides data on the race, ethnicity, age, sex, disability, and familial status of households receiving assistance from mortgage insurance and mortgage interest rate subsidies in the 18-month period ending September 30, 2008. The data on race, ethnicity, age, and sex were provided for the head of household only, regardless of the composition of the household. The number of households represents beneficiaries that have submitted data to HUD.

Table E.3: Protected Characteristics of Households Provided with Housing Assistance through Mortgage Insurance and Mortgage Interest Rate Subsidies, for the 18-Month Period Ending September 30, 2008

Protected Characteristic	Section 236	Section 221(d)(3) Below Market Interest Rate (BMIR)
Number of Reported Households¹	30,195	5,064
Race		
Black	35.4%	28.4%
White	58.0%	51.1%
Other	3.3%	18.7%
Data Not Available	3.3%	1.8%
Ethnicity		
Hispanic	11.0%	11.5%
Not Hispanic	89.0%	88.5%
Age of Head of Household		
Younger than 31	23.0%	22.6%
31–41	15.5%	20.2%
42–51	13.3%	19.3%
52–61	12.6%	17.2%
62 or Older	35.6%	20.7%
Sex of Head of Household		
Female	65.1%	53.4%
Male	34.8%	46.6%
Disability		
Households Reporting a Disability ²	10.3%	3.3%
Families with Children		
Households with Children ³	31.3%	41.6%
Data are from the TRACS system for the 18-month period ending on September 30, 2008. A household was excluded if its record showed a head of household younger than 15 years of age or older than 105 years of age or if the record showed either program termination or move-out.		
1. "Reported Households" reflects the number of households with tenant data reports in the TRACS system.		
2. "Households Reporting a Disability" reflects that the head, spouse, or co-head was shown as disabled.		
3. "Households with Children" reflects a household with at least one child younger than 18 years of age.		

Source: Tenant Rental Assistance Certification System (TRACS)

HOUSING COUNSELING ASSISTANCE PROGRAM

The Housing Counseling Assistance program counsels consumers on seeking, renting, owning, financing, and maintaining a home. HUD provides counseling services through HUD-approved housing counseling agencies. Such agencies and national, regional, or multi-state intermediaries may apply for one-year grants through a notice of funding availability published by HUD.

Housing counseling agencies provide an array of pre- and post-occupancy education programs, such as one-on-one pre-purchase and pre-rental counseling and homebuyer training sessions. These agencies also provide counseling on home equity mortgage conversion, home improvement, rehabilitation, mortgage default, rent delinquency, displacement, and relocation.

Table E.4 provides data on the race and ethnicity of households that received assistance from HUD-funded housing counseling agencies in FY 2007. This data were not available in time for the FY 2007 report because housing counseling agencies are not required to submit their data to HUD until 90 days after the end of the fiscal year. Data for FY 2008 will be reported in the FY 2009 report.

Table E.4: Protected Characteristics of Households that Participated in HUD-Funded Housing Counseling Programs, FY 2007

Protected Characteristic	Housing Counseling
Number of Households	1,692,891
Race	
American Indian or Alaska Native	1.1%
Asian	2.7%
Black or African American	32.2%
Native Hawaiian or Other Pacific Islander	0.6%
White	49.6%
American Indian or Alaska Native and White	0.3%
Asian and White	0.1%
Black or African American and White	0.9%
American Indian or Alaska Native and Black or African American	0.1%
Other Multi-Racial	4.4%
Not Reported	8.0%
Ethnicity	
Hispanic or Latino	17.6%
Not Hispanic or Latino	75.2%
Not Reported	7.3%

Percentages may not total 100 percent due to rounding.

Source: Aggregate data from HUD form 9902

CONTINUUM OF CARE

The Continuum of Care programs are authorized by the McKinney-Vento Homeless Assistance Act to meet the physical, economic, social, and shelter needs of persons who are homeless. These programs are the Supportive Housing Program, Shelter Plus Care Program, and Single Room Occupancy Program. Grants for these programs are made available on a competitive basis through a notice of funding availability published by HUD. Eligible applicants include states, units of local government, public housing agencies, and private nonprofit organizations.

- **Supportive Housing Program**

The Supportive Housing Program helps develop housing and related supportive services for people moving from homelessness to independent living. SHP helps homeless persons achieve residential stability, increase their skill levels and/or income, and obtain greater self-determination.

- **Shelter Plus Care Program**

The Shelter Plus Care Program provides rental assistance combined with social services for homeless persons with disabilities and their families. The program allows for a variety of housing choices, such as group homes or individual units, coupled with a range of supportive services (funded by other sources).

- **Single Room Occupancy Program**

The Single Room Occupancy Program provides for rental assistance in and moderate rehabilitation of buildings with multiple single-room units designed to accommodate single homeless individuals. These rooms often do not contain individual food preparation or bathroom facilities. A public housing agency makes Section 8 rental assistance payments to the landlords on behalf of participants.

Table E.5 provides data on the race, ethnicity, and special needs of participants that entered the Supportive Housing, Shelter Plus Care, or Single Room Occupancy programs in FY 2008. The table also provides data on the sex and age of participants and other family members that entered these programs in FY 2008. The “Special Needs” portion of the table provides data on adult participants with disabling conditions. An individual could report more than one disabling condition; hence, it is not possible to determine from the data the number of participants with disabling conditions.

Table E.5: Protected Characteristics of Participants in Continuum of Care Programs, FY 2008

Protected Characteristic	Continuum of Care
Race of 170,241 Adult Participants	
American Indian or Alaska Native	2.0%
Asian	0.7%
Black or African American	38.5%
Native Hawaiian or Other Pacific Islander	0.7%
White	51.4%
American Indian or Alaska Native and White	0.5%
Asian and White	0.1%
Black or African American and White	0.7%
American Indian or Alaska Native and Black or African American	0.2%
Other Multi-Racial	5.1%
Ethnicity of 171,889 Adult Participants	
Hispanic or Latino	15.1%
Not Hispanic or Latino	84.9%
Sex of 303,241 Adult Participants and Other Family Members	
Female	45.0%
Male	55.0%
Age of 303,241 Adult Participants and Other Family Members	
Younger than 18	22.8%
18–30	23.0%
31–50	43.1%
51–61	9.4%
62 or Older	1.6%
Special Needs of Adult Participants¹	
Mental Illness	25.5%
Alcohol Addiction	18.8%
Drug Abuse	23.5%
HIV/AIDS and Related Diseases	2.2%
Developmental Disability	2.3%
Physical Disability	11.6%
Domestic Violence	11.0%
Other	5.1%
1. These percentages represent 184,981 disabling conditions reported. An individual could report more than one disabling condition; hence, it is not possible to determine from the data the number of participants with disabling conditions.	

Percentages may not total 100 percent due to rounding.

Source: Annual Progress Reports (APRs) submitted for 2,923 projects funded through HUD's Continuum of Care competition for the program year ending in 2008, as of October 21, 2008.

HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

HOME is authorized by the Cranston-Gonzalez National Affordable Housing Act to provide annual grants on a formula basis to state and local governments to provide affordable housing for low-income households. States and localities may use their HOME allocations to construct or rehabilitate housing for sale or rental, rehabilitate eligible owner-occupied properties, and provide financial assistance to first-time or other qualified homebuyers. Under certain circumstances, a state or local government may use HOME funds to provide tenant-based rental assistance (TBRA).

Table E.6 contains data on the race, ethnicity, and familial status of households that received assistance from the HOME Investment Partnerships Program in FY 2008.

Table E.6: Protected Characteristics of Beneficiaries of the HOME Investment Partnerships Program, FY 2008⁵

Protected Characteristic	Rental	Homebuyer	Homeowner	TBRA
Total Occupied Units	27,907	27,150	10,914	25,232
Race or Ethnicity				
American Indian or Alaska Native	0.4%	0.6%	0.7%	1.4%
Asian	1.5%	2.2%	0.8%	0.7%
Black or African American	44.8%	30.3%	27.1%	36.3%
Hispanic or Latino	14.4%	18.7%	12.2%	12.2%
Native Hawaiian or Other Pacific Islander	0.4%	0.4%	0.9%	0.6%
White	36.7%	46.1%	57.3%	47.4%
American Indian or Alaska Native and White	0.1%	0.1%	0.2%	0.3%
Asian and White	0.1%	0.1%	0.1%	0.1%
Black or African American and White	0.3%	0.6%	0.3%	0.2%
American Indian or Alaska Native and Black or African American	0.0%	0.1%	0.1%	0.1%
Other Multi-Racial	1.5%	0.9%	0.6%	0.6%
Familial Status				
Families with Children	34.1%	60.6%	33.9%	51.6%

Percentages may not total 100 percent due to rounding.

Source: Integrated Disbursement and Information System (IDIS)

⁵ The number of beneficiaries from the HOME program is reported differently in the FY 2008 Annual Report on Fair Housing and the FY 2008 Performance and Accountability Report (PAR). The Annual Report on Fair Housing reports the number of occupied units as of the end of the fiscal year (i.e., September 30, 2008) minus the number of occupied units as of the end of the previous fiscal year (i.e., September 30, 2007), while the PAR reports the number of units completed during the fiscal year.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

CDBG is authorized by Title I of the Housing and Community Development Act of 1974, as amended, to provide annual grants on a formula basis to states, entitled metropolitan cities, and urban counties for activities that benefit persons of low and moderate income and aid in the prevention or elimination of slums or blight. CDBG funds may be used for a wide variety of activities, including homeownership assistance, rehabilitation of residential structures, economic development, community planning, construction or rehabilitation of community facilities, and the provision of public services, including fair housing activities. Generally, the construction of new housing by units of general local government is ineligible for CDBG assistance; however, new housing construction may be carried out by eligible Community Based Development Organizations under 24 CFR 570.204(a).

Table E.7 contains information on the race and ethnicity of households that benefited from CDBG's owner-occupied housing rehabilitation, rental housing rehabilitation, and homeownership assistance in FY 2008. The number of participants represents beneficiaries that have submitted data to HUD. Additional CDBG activities also had beneficiaries.

Table E.7: Protected Characteristics of Beneficiaries of CDBG's Owner-Occupied Housing Rehabilitation, Rental Housing Rehabilitation, and Homeownership Assistance Programs, FY 2008

Protected Characteristic	Owner- Occupied Housing Rehabilitation	Rental Housing Rehabilitation	Homeownership Assistance
Number of Participants	121,158	21,418	4,521
Race			
American Indian or Alaska Native	1.1%	0.9%	0.4%
Asian	1.4%	3.3%	4.3%
Black or African American	28.2%	29.1%	35.6%
Native Hawaiian or Other Pacific Islander	0.2%	0.3%	0.3%
White	61.2%	59.3%	49.0%
American Indian or Alaska Native and White	0.3%	0.2%	0.2%
Asian and White	0.1%	0.1%	0.2%
Black or African American and White	0.3%	0.3%	0.5%
American Indian or Alaska Native and Black or African American	0.1%	0.1%	0.1%
Other Multi-Racial	7.1%	6.3%	9.4%
Ethnicity			
Hispanic or Latino	15.7%	21.5%	12.7%
Not Hispanic or Latino	84.3%	78.5%	87.3%

Percentages may not total 100 percent due to rounding.

Source: Integrated Disbursement and Information System (IDIS)

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

HOPWA is authorized by the Cranston-Gonzalez National Affordable Housing Act to assist states and local governments in addressing the housing needs of low-income persons with HIV/AIDS and their families. In addition to providing rental assistance subsidies, funds may be used to develop and operate community residences and other housing facilities that offer on-site support for activities of daily living and other needed services.

Table E.8 provides data on the race, ethnicity, age, and sex of persons receiving assistance from HOPWA in the 2007-2008 program year. The total represents beneficiaries that have submitted information to HUD.

Table E.8: Protected Characteristics of Persons Provided with Housing Assistance through HOPWA Formula Grants and Competitive Grants, 2007-2008 Program Year^{6, 7}

Protected Characteristic	Formula Grants	Competitive Grants
Number of Recipients of Housing Assistance	88,646	6,723
Persons with HIV/AIDS	79.1%	63.1%
Family Members of Participants with HIV/AIDS	20.9%	36.9%
Race		
American Indian or Alaska Native	0.6%	1.1%
Asian	0.2%	0.3%
Black or African American	52.1%	45.9%
Native Hawaiian or Other Pacific Islander	0.1%	0.2%
White	31.2%	47.4%
American Indian or Alaska Native and White	0.1%	0.4%
Asian and White	0.1%	0.0%
Black or African American and White	0.5%	0.8%
American Indian or Alaska Native and Black or African American	0.0%	0.1%
Other Multi-Racial	3.6%	3.8%
Ethnicity		
Hispanic	10.9%	16.4%
Non-Hispanic	89.1%	83.6%
Age		
Younger than 18	18.3%	24.7%
18-30	11.6%	14.5%
31-50	56.0%	47.0%
51 or Older	14.1%	13.8%
Sex		
Female	39.7%	40.6%
Male	60.3%	59.4%

Percentages may not total 100 percent due to rounding.

Source: Integrated Disbursement and Information System (Formula Grants)
Annual Progress Reports (Competitive Grants)

⁶ The 2007-2008 program year covers the one-year operating period for grants that started during any month of 2007 and ended in the corresponding month of 2008.

⁷ The number of beneficiaries from the HOPWA program is reported differently in the FY 2008 Annual Report on Fair Housing and the FY 2008 Performance and Accountability Report (PAR). The Annual Report on Fair Housing reports the number of participants, while the PAR reports the number of households benefiting from the program.

HOUSING CHOICE VOUCHERS

The Housing Choice Voucher program is authorized by the U.S. Housing Act of 1937 to provide rental subsidies to low- and very low-income families to help them afford decent, safe, and sanitary housing in the private market. The participant pays the difference between the subsidy and the rent charged by the landlord. Under certain circumstances, a participant may use his or her voucher to purchase a home.

PUBLIC HOUSING

The Low-Income Public Housing program is authorized by the U.S. Housing Act of 1937 to provide safe and decent rental housing for low-income families, the elderly, and persons with disabilities. Public housing comes in a variety of forms, from scattered-site single-family houses to high-rise apartments.

MODERATE REHABILITATION

The Moderate Rehabilitation program provides project-based rental assistance for low-income families. This program began in 1978 as an expansion of the rental certificate program after HUD determined that at least 2.7 million rental units had deficiencies requiring a moderate level of upgrading. The program was repealed in 1991, but assistance is provided to properties previously rehabilitated.

Table E.9 provides data on the race, ethnicity, age, sex, disability, and familial status of households receiving assistance from Housing Choice Vouchers, Public Housing, or Moderate Rehabilitation in the 18-month period ending September 30, 2008. The data were provided for the head of household only, regardless of the composition of the household. The total represents beneficiaries that have submitted data to HUD.

Table E.9: Protected Characteristics of Beneficiaries of the Housing Choice Voucher Program, the Public Housing Program, and the Moderate Rehabilitation Program, for the 18-Month Period Ending September 30, 2008⁸

Protected Characteristic	Housing Choice Vouchers ¹	Public Housing	Moderate Rehabilitation
Number of Reported Households²	1,818,001	930,681	30,391
Race³			
American Indian or Alaska Native	0.8%	0.7%	0.8%
Asian	2.6%	2.1%	1.3%
Black or African American	43.6%	45.4%	44.1%
Native Hawaiian or Other Pacific Islander	0.4%	0.4%	0.4%
White	52.0%	51.0%	51.7%
Mixed Race	0.6%	0.4%	0.6%
Ethnicity			
Hispanic or Latino	17.6%	22.8%	26.5%
Not Hispanic or Latino	82.4%	77.2%	73.5%
Age			
Younger than 31	19.7%	19.2%	18.7%
31-41	25.2%	16.6%	15.0%
42-51	21.4%	16.6%	24.1%
52-61	15.2%	16.5%	23.3%
62 or Older	18.5%	31.1%	18.9%
Sex			
Female	82.8%	75.0%	55.5%
Male	17.2%	25.0%	44.5%
Disability			
Households Reporting a Disability ⁴	38.2%	34.0%	42.8%
Families with Children			
Households with Children ⁵	53.8%	40.7%	25.1%
<p>Data are from the PIC system for the 18-month period ending on September 30, 2008. A household was excluded if their record showed a head of household younger than 15 years of age or older than 105 years of age or if the record showed either end of participation or portability move-out.</p> <ol style="list-style-type: none"> Vouchers include a small number of Section 8 Certificates. "Reported Households" reflects the number of households with tenant data reports in the PIC system after exclusions for end of participation and age of household head below 15 years and over 105 years. Entries for race are mutually exclusive and sum to 100 percent. There is no missing data for race or ethnicity as the PIC system forces the user to choose one ethnicity and at least one race. "Households Reporting a Disability" reflects that the head, spouse, or co-head was shown as a person with a disability. "Households with Children" reflects a household with at least one child younger than 18 years of age. 			

Source: Public and Indian Housing Information Center

⁸ The number of households benefitting from Housing Choice Vouchers and Public Housing is reported differently in the FY 2008 Annual Report on Fair Housing and the FY 2008 Performance and Accountability Report (PAR). For Housing Choice Vouchers, the Annual Report on Fair Housing reports the number of households for which demographic information was reported to HUD, while the PAR shows the number of vouchers (contracted units) based on funding. For Public Housing, the Annual Report on Fair Housing reports the number of households for which demographic information was reported to HUD, while the PAR shows the number of units available for occupancy.

APPENDIX F: GLOSSARY

Administrative Closure: An administrative closure occurs when a complainant withdraws the complaint, fails to cooperate, or can no longer be located. HUD and FHAP agencies also administratively close complaints when they lack jurisdiction to accept the complaint.

Architectural Barriers Act of 1968: A federal law that requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 be accessible to and usable by persons with disabilities.

Age Discrimination Act of 1975: A federal law that prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Charge of Discrimination: Unless a conciliation agreement is reached during the course of the investigation, HUD issues a charge of discrimination after it conducts a full investigation and has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.

Conciliation Agreement: A conciliation agreement is an agreement between the complainant and the respondent that must be approved by HUD or the FHAP agency. A conciliation agreement seeks to protect the rights of the complainant and the respondent and satisfy the public interest. HUD or the FHAP agency does not issue a determination in a complaint if a conciliation agreement is reached prior to completion of the investigation.

Design and Construction Requirements of the Fair Housing Act: The Fair Housing Act requires that certain multifamily dwellings constructed for first occupancy after March 13, 1991, contain seven design and construction features that make the property accessible to persons with disabilities. These features are: (1) an accessible building entrance on an accessible route; (2) accessible common and public use areas; (3) usable doors; (4) an accessible route into and through the dwelling unit; (5) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; (6) reinforced walls in bathrooms to allow for later installation of grab bars; and (7) usable kitchens and bathrooms. The accessibility requirements apply to all units in multifamily buildings with an elevator and to the ground floor units in multifamily buildings without elevators. All of the common spaces, such as lobbies, mail boxes, laundry rooms, and exercise rooms, must be accessible regardless of building type.

DOJ Referral: HUD refers to the U.S. Department of Justice (DOJ) housing discrimination matters that involve criminal allegations, a suspected pattern or practice of discrimination, or possible zoning or land-use violations. HUD also may refer to DOJ matters involving HUD-funded recipients that are not resolved through means of voluntary compliance.

Equal Credit Opportunity Act: A federal law that prohibits any creditor from discriminating against any applicant with respect to any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, marital status, or age (provided the applicant has the capacity to contract).

Executive Order 11063: An executive order that prohibits discrimination on the basis of race, color, religion, national origin, sex, disability, or familial status in the sale, leasing, rental, or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds.

The executive order also prohibits discrimination in lending practices that involve residential property and related facilities, insofar as such practices relate to loans that are insured or guaranteed by the federal government.

Executive Order 11246: An executive order that prohibits federal contractors and federally assisted construction contractors and subcontractors, who do more than \$10,000 in federal government business in one year, from discriminating in employment decisions on the basis of race, color, national origin, religion, or sex. The executive order also requires federal government contractors to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment.

Executive Order 11625: An executive order that requires each federal agency to develop comprehensive plans and specific program goals for a national Minority Business Enterprise (MBE) contracting program.

Executive Order 12250: An executive order that requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving federal financial assistance.

Executive Order 12259: An executive order that gave the Secretary of HUD the responsibility for ensuring that all federal programs and activities related to housing and urban development are administered in a manner that affirmatively furthers fair housing. Executive Order 12259 also amended Executive Order 11063 to prohibit discrimination based on sex. On January 17, 1994, Executive Order 12259 was revoked by Executive Order 12892, which amended Executive Order 11063 to include discrimination based on sex, disability, or familial status, reaffirmed the principles of affirmatively furthering fair housing, and established the President's Fair Housing Council.

Executive Order 12432: An executive order that requires each federal agency with substantial procurement or grant-making authority to develop a Minority Business Enterprise (MBE) development plan.

Executive Order 12892: An executive order that requires federal agencies to affirmatively further fair housing in their programs and activities, and provides that the Secretary of HUD will be responsible for coordinating the effort. The order also establishes the President's Fair Housing Council, which will be chaired by the Secretary of HUD. Executive Order 12892 also amended Executive Order 11063 to apply to discrimination because of race, color, religion, national origin, sex, disability, or familial status.

Executive Order 12898: An executive order that requires that each federal agency conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that does not exclude persons on the basis of race, color, or national origin.

Executive Order 13166: An executive order that directs federal agencies to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited English proficient.

Fair Housing Act (Title VIII of the Civil Rights Act of 1968): A federal law that prohibits discrimination on the basis of race, color, national origin, religion, sex, disability, or familial status in most housing-related transactions. It covers public, assisted, and most private housing, with a few exceptions. The Fair Housing Act and its implementing regulations give HUD authority to investigate, attempt to conciliate, and, if necessary, adjudicate complaints of discrimination involving home sales, rentals, advertising, mortgage lending, property insurance, and environmental justice. HUD also investigates complaints alleging discriminatory zoning and land use, but must refer such complaints to the U.S. Department of Justice for enforcement.

Familial Status: A parent or another person having legal custody of a child less than 18 years of age, the designee of such parent or guardian, and persons who are pregnant or in the process of obtaining legal custody of a child less than 18 years of age.

No Reasonable Cause Determination: Unless a conciliation agreement is reached during the course of the investigation, HUD or a FHAP agency may issue a “no reasonable cause” determination after it conducts a full investigation and finds no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.

Reasonable Accommodation: Any change in the rules, policies, practices, or services that is necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, as required by the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973. Example: an apartment manager would make a reasonable accommodation for a tenant with a mobility impairment by fulfilling the tenant’s request for a reserved parking space in front of the entrance to his or her unit, even though the apartment complex is not in the practice of assigning spaces. Housing providers that receive federal financial assistance are also subject to Section 504 of the Rehabilitation Act of 1973 and its implementing regulations. Under Section 504, a reasonable accommodation may also include structural changes that are necessary for a person with a disability to have equal use and enjoyment of a dwelling.

Reasonable Cause Determination: Unless a conciliation agreement is reached during the course of its investigation, the FHAP agency issues a determination of reasonable cause after it conducts a full investigation and determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.

Reasonable Modification: Any structural modification that is made to allow a person with a disability the full enjoyment of his or her residence and related facilities. Areas that may be modified include lobbies, main entrances, and other public and common use areas of buildings, as well as the interiors of units. Example: the installation of grab bars in the bathroom by a person with a mobility impairment to permit that person to use his or her toilet or shower. Under the Fair Housing Act, the resident must pay for modifications. Housing providers that receive federal financial assistance are also subject to Section 504 of the Rehabilitation Act of 1973 and its implementing regulations. Under Section 504, housing providers must make and pay for structural modifications to facilities, if required as a reasonable accommodation for applicants and tenants with disabilities, unless doing so would result in an undue financial and administrative burden.

Redlining: A practice by which lenders and insurers refuse to do business in certain neighborhoods because of the neighborhood’s racial or ethnic composition or due to another statutorily prohibited basis.

Secretary-Initiated Complaint: The Secretary of HUD, under Section 810(a)(1)(A)(i) of the Fair Housing Act, 42 U.S.C. § 3610, has the authority to file a complaint in the public interest where there is reason to believe that a discriminatory housing practice has occurred or is about to occur, but an aggrieved person has not yet come forward to file a complaint. HUD also files a Secretary-initiated complaint when it has received an individual complaint, but believes there may be additional victims of the discriminatory act, or wants to obtain broader relief in the public interest.

Secretary-Initiated Investigation: The Secretary of HUD, under Section 810(a)(1)(A)(iii) of the Fair Housing Act, 42 U.S.C. § 3610, has the authority to conduct an investigation in the public interest where there is reason to believe that a discriminatory housing practice has occurred or is about to occur, but

there is not sufficient evidence to file a complaint. Because of the preliminary nature of Secretary-initiated investigations, HUD does not provide information regarding the respondents in such investigations.

Section 3 of the Housing and Urban Development Act of 1968: A federal law that requires that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low- and very low-income persons.

Section 8(a) of the Small Business Act: A federal law that authorizes the Small Business Administration (SBA) to enter into contracts with other federal agencies. The SBA then subcontracts the actual performance of the work to small businesses owned and controlled by socially and economically disadvantaged individuals. Through a memorandum of understanding, SBA has delegated the authority to HUD to contract directly with 8(a) firms.

Section 109 of the Housing and Community Development Act of 1974: A federal law that prohibits discrimination on the basis of race, color, national origin, sex, or religion in programs and activities receiving financial assistance under Title I of the Act, including the Community Development Block Grant program, Urban Development Action Grants, Economic Development Initiative Grants, Special Purpose Grants, and the Section 108 Loan Guarantee program. While Section 109 does not directly prohibit discrimination based on age or disability, the statute makes applicable to these programs the prohibitions against discrimination on the basis of age found in the Age Discrimination Act of 1975 and the prohibitions against discrimination on the basis of disability found in Section 504 of the Rehabilitation Act of 1973. On December 30, 2005, Section 109 was amended by the Support our Scouts Act. The Support our Scouts Act prohibits states or units of general local government that receive assistance under Title I of the Housing and Community Development Act and have designated open forums, limited public forums, or non-public forums, from discriminating against or denying equal access to any youth organization, including the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in any of the aforementioned forums.

Section 282 of the Cranston-Gonzalez National Affordable Housing Act: A federal law that prohibits discrimination on the basis of race, color, religion, sex, or national origin in any program or activity receiving assistance from the HOME Investment Partnerships program. While Section 282 does not directly prohibit discrimination based on age or disability, the statute states that the prohibitions against discrimination on the basis of age found in the Age Discrimination Act of 1975 and the prohibitions against discrimination on the basis of disability found in Section 504 of the Rehabilitation Act of 1973 apply to HOME programs or activities.

Section 504 of the Rehabilitation Act of 1973: A federal law that prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance and in HUD programs and activities.

Section 527 of the National Housing Act: A federal law that prohibits discrimination on the basis of sex in any federally related mortgage loan, or federal insurance, guaranty, or other assistance in connection therewith.

Section 1978 of the Revised Statutes: A federal law that gives all citizens of the United States, regardless of race, the same rights in every state and territory to inherit, purchase, lease, sell, hold, and convey real and personal property. This provision is codified at 42 U.S.C. § 1982.

Settlement Agreement: A settlement agreement is a private agreement between the complainant and respondent. A private settlement is not submitted for approval to HUD or the FHAP agency and typically does not contain public interest relief. HUD or the FHAP agency does not issue a determination in a complaint if a settlement agreement is reached prior to completion of the investigation.

Steering: The practice of directing persons to certain buildings, neighborhoods, loans, or insurance products because of their race or other protected characteristic. For example, a real estate agent who automatically limits the home search of an African-American couple to neighborhoods with large minority populations would be engaging in unlawful steering.

Title II of the Americans with Disabilities Act of 1990: A federal law that prohibits discrimination on the basis of disability in programs, services, and activities provided or made available by public entities. The U.S. Department of Justice has primary enforcement responsibility for Title II of the ADA. HUD enforces Title II of the ADA when it relates to state or local public housing, housing assistance, and housing referrals.

Title VI of the Civil Rights Act of 1964: A federal law that prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

Title VIII of the Civil Rights Act of 1968: See "Fair Housing Act."

Title IX of the Education Amendments Act of 1972: A federal law that prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance. The U.S. Department of Education has primary enforcement responsibility for Title IX. HUD enforces Title IX in HUD-funded educational and training programs and activities.