



# FAIR HOUSING NEWS

A newsletter about fair housing, community development, & neighborhood quality of life



EQUAL HOUSING OPPORTUNITY

## JANUARY GREETINGS!

Welcome to this edition of *Fair Housing News* produced by the GBCHRB as a public service!

To join the mailing list: <mailto:wkladky@gbchr.org>. You can go to our website <http://www.gbchr.org> for laws, links, etc. See our Fair Housing TV show on

YouTube - <http://www.youtube.com/user/wkladky1>!

Or, check out <http://www.gbchr.org/2rad9899.htm> for radio shows on topics about Fair Housing!

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## NATIONAL NEWS



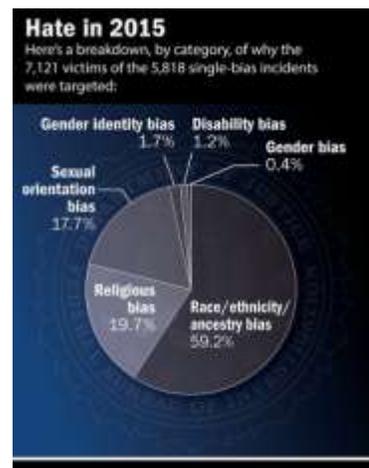
**Fannie Mae Accused of Housing Discrimination in 38 Metros.** The National Fair Housing Alliance (NFHA) and 20 local fair housing organizations filed a housing discrimination lawsuit against Fannie Mae in federal district court in San Francisco, California.

The lawsuit alleges that Fannie Mae deliberately fails

to maintain its foreclosures (real estate owned or “REO” properties) in middle- and working-class African American and Latino neighborhoods at the same level it does for foreclosures it owns in white middle- and working-class neighborhoods. The suit comes after the NFHA notified Fannie Mae numerous times of this failure to maintain and market its foreclosed homes in communities of color. Despite many meetings between NFHA and Fannie Mae, Fannie Mae continued "its willful neglect." The initial investigation was done by NFHA and two local fair housing organizations in 2009 in four metros. After Fannie Mae continued as before, the investigation was expanded to an additional 18 fair housing organizations with data from 212 cities in 38 metros. The lawsuit contains 2011-2015 info from over 2,300 foreclosures owned and maintained by Fannie Mae, with evidence for each property on over 35 data points identified as important to protecting, securing, and marketing homes. Investigators also took and reviewed over 49,000 photos of the various foreclosures. [Read the December 5, 2016 NFHA press release.](#)

### The F.B.I. Reports a 6% Rise in Hate Crimes in 2015, Largely Driven by Increased Attacks Against Muslim Americans.

The F.B.I. found 5,818 hate crimes in 2015 that included assaults, bombings, threats, and property destruction against minorities, women, gays and others. There were 257 reports of assaults, attacks



on mosques and other hate crimes against Muslim Americans, a 67% jump from 2014. This was the highest since 2001, when there were over 480 attacks after the September 11 terrorist attacks. The F.B.I. also discovered that attacks against transgender people increased significantly. Blacks were the most frequent victims of racial hate crimes, and Jews the most frequent victims based on religion. Unfortunately, the statistics are incomplete because many local law enforcement agencies still have a poor record of reporting hate crimes some 26 years after the Justice Department started collecting the hate crime data. [Read the November 14, 2016 New York Times article.](#)



### **Federal Judge Blocks Racial Discrimination Suit Against Airbnb.**

The case began when an African-American said that a host on Airbnb, a short-term home rental company, would not rent him a room because of his race. He sued Airbnb for violating civil rights laws that forbid housing discrimination. The judge ruled that Airbnb's user agreement forbade such suits because it said that disputes are to be settled in private arbitration and users waive their right to trial by jury or to participate in

class-action lawsuits. If consumers are informed of the arbitration provision, they are "enforceable, in commercial disputes and discrimination cases alike," the judge wrote. As a result, Airbnb will likely not be subject to legal arguments that it is responsible when hosts discriminate against guests. In response to heavy criticism, Airbnb recently did do several things to fight discrimination, such as requiring its hosts to agree to a "community commitment" starting on November 1, 2016, and follow a new Airbnb nondiscrimination policy. [Read the November 1, 2016 New York Times article.](#)

### **Study Finds that Revitalization of Some Urban Neighborhoods Has Negative Impact on Poorer Areas.**

The 2000-2015 study by the DC Fiscal Policy Institute of Washington, DC found that gentrification caused residential pockets of poverty in DC to grow larger, particularly in Anacostia. "The findings clearly suggest that because it's become so expensive to live west of the river, a lot of longtime residents, certainly lower-income African American residents, have been pushed out of that area. The evidence is, they are increasingly living east of the river," in Wards 7 and 8, "where poverty and racial segregation are really, really high." The study said that it is unclear whether poor black families are moving as a direct result of gentrification, but observed that many landlords who previously provided subsidized affordable housing now were raising rents or converting to condos. In response to these findings, the study recommended several additional measures to increase affordable housing. [Read the November 24, 2016 Washington Post article.](#)



### **Study Finds Black Users Wait Longer for Rides from Uber, Lyft, and Others.**

Uber drivers in Boston were more than twice as likely to cancel rides of passenger who had "African American sounding" names than "white-sounding" names. Drivers also took female passengers for longer, more expensive rides. The study examining racial and gender discrimination in ridesharing companies like Uber and Lyft was based on nearly 1,500 rides taken in Seattle and Boston.

The study carefully controlled the routes, and used identical smartphones, mobile carriers and data plans. It gathered from participants data on trip requests and accepted times, actual pickups and drop off times. While Lyft displays a rider's name and picture, Uber only shows the passenger's name after a driver accepts a ride request. It does not show a rider's photo or reveal the final destination until after

the rider is picked up. Overall, the study found black riders waited 30% longer for an UberX to arrive. Women were driven a distance of 5% more than male passengers taking the exact same routes. [Read the October 31, 2016 CNN article.](#)



**The National Low Income Housing Coalition (NLIHC) Releases *Opportunities to End Homelessness and Housing Poverty in a Trump Administration*, a Transition Memo to the Incoming Administration on Steps to Take to End Homelessness and Housing Poverty.** In it, the NLIHC urged the new administration to take actions to combat the affordable housing crisis faced

by the lowest income households. NLIHC stated that there are 10.4 million extremely low income households in the U.S. (with incomes at or below 30% of their area median income) but only 3.2 million units of rental housing are affordable and available. As a result, 75% of the households are severely cost-burdened and spend over half of their incomes on rent and utilities, and hundreds of thousands of individuals are homeless. The memo lists ways to protect and expand investments in affordable housing and improve housing choice and economic mobility, such as to strengthen and increase funding for affordable rental housing programs for those most in need through an infrastructure spending package, comprehensive tax reform, the appropriations process, housing finance reform, and regulatory avenues. [Read the December 12, 2016 NLIHC press release.](#)

**Increase in Civil Rights Tourism.** All museums and centers are reporting greater financial contributions and visitor attendance. The [International Civil Rights Center and Museum](#) in Greensboro, North Carolina, has the F.W. Woolworth's lunch counter where four black college freshmen started the sit-in movement in 1960. Many private and corporate donations helped pay for the new estimated \$270 million Smithsonian [National Museum of African American History and Culture](#) in Washington, DC. The [National Civil Rights Museum](#) (at the Lorraine Motel in Memphis, where the Rev. Dr. Martin Luther King, Jr. was assassinated in 1968) has seen a visitor increase from 200,000 to 300,000 annually since a \$27.5 million renovation. [Read the October 17, 2016 New York Times article.](#)



## PREDATORY LENDING NEWS



**The Supreme Court Is Deciding If Cities Can Sue Banks Under the Fair Housing Act for Predatory Lending, Even If Foreclosures Affect a City Indirectly.** In the case brought by Miami after the 2008 financial crisis, the city argued that discriminatory lending practices by Bank of America and Wells Fargo had led to a disproportionate number of defaults by minority home buyers and financially harmed the city. It said: “The banks’ practice of providing minority borrowers with more expensive and riskier loans than they qualified for, or that

nonminority borrowers received, actually frustrated and counteracted the city’s efforts on fair housing.” A 2014 trial court said the city had not shown that its claims were covered by the housing law. The United States Court of Appeals for the 11th Circuit, in Atlanta, reversed this, allowing the cases to proceed, and said Miami could argue it had “suffered an economic injury resulting from a racially discriminatory housing policy.” A Court tie would leave the appeals court’s ruling, handing a victory to Miami but with no national precedent. [Read the November 8, 2016 New York Times article.](#)



**Wells Fargo and Residential Capital (ResCap) Settle Mortgage Claims Related to the Financial Crisis over Toxic Mortgage Securities that Pushed the Subprime Mortgage Lender into Bankruptcy.** Wells Fargo reached the agreement with the trust that is managing ResCap's bankruptcy liquidation. The terms of the agreement were not

made public, but the trust has recovered almost \$400 million through settlements according to reports and the trust's financial disclosures. The settlement is the latest for the many banks still involved in resolving toxic mortgage issues after the financial crisis. In December, 2016, the U.S. Department of Justice sued Barclays for deceiving investors who bought mortgage-backed securities. ResCap was on both sides of the toxic problem. In November, 2016, Ally Financial, which ResCap is a subsidiary of, said it will pay \$52 million to settle allegations that ResCap marketed mortgage bonds despite knowing that the underlying mortgages were toxic. [Read the December 27, 2016 HousingWire article.](#)

**The Justice for Victims of Fraud Act of 2016 is Introduced, Which Would Give Legal Options to Wells Fargo Customers Who Were Victimized in the Fraudulent Account Opening Scheme .**

The legislation was introduced by U.S. Senator Sherrod Brown (D-OH), ranking member of the Senate Committee on Banking, Housing, and Urban Affairs, and U.S. Representative Brad Sherman (D-CA), a member of the U.S. House Financial Services Committee. The Center for Responsible Lending (CRL), among others, applauded the bill, and said, "Wells Fargo is using the forced arbitration clauses it tucked away in the fine print of contracts customers signed when they opened legitimate accounts to block them from suing over the fraudulent accounts. Employees from Wells were under pressure to open these accounts to meet sales goals." The bill would complement a new oversight proposed rule that the Consumer Financial Protection Bureau (CFPB) released recently to strengthen protections for consumers. The CFPB proposal would apply only to contracts signed after the rule is finalized, but this bill would allow victims to seek legal options even if they signed contracts that included arbitration in the past. The bill is cosponsored by 14 U.S. Senators. [Read the December 1, 2016 CRL press release.](#)



**Civil Rights Groups Speak Out in Support of the Consumer Financial Protection Bureau (CFPB) and Its Director.**

The groups include the Leadership Conference on Civil and Human Rights, the NAACP, National Council of La Raza and National Urban League. Their statement said the CFPB "has significantly improved the lives of people across the country, especially in our diverse communities." It continues: "any effort to weaken the agency or undermine its leadership would risk severe impacts on our communities - including communities of color and low-income families who are most vulnerable to financial abuse." The groups also reported that the CFPB has recovered over \$11 billion for 27 million consumers, and praised the regulator's fight against discriminatory practices in the economic marketplace. This contrasts to the opinion of a video from the US Consumer Coalition that just began airing as part of a targeted campaign against the CFPB. [Read the December 22, 2016 HousingWire article.](#)

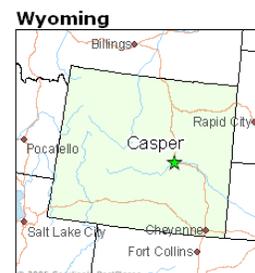
**HUD & DOJ ENFORCEMENT**

**HUD Approves Agreement With Las Vegas Mobile Home Park Landlords To Resolve Housing Discrimination Complaint.** The



mobile home park landlords refused to allow an elderly woman's son and his pregnant wife to live there after having a child because the property claimed to be housing for older persons. [Read the conciliation agreement.](#) The female resident of the mobile home park filed a complaint that the owners and managers required her son and daughter-in-law, who were also her live-in caretakers, to leave the property after they found that her daughter-in-law was pregnant. Under the agreement, the park's owner and managers will pay the elderly woman \$15,000, and will comply with the Fair Housing Act and HUD's regulations. The owners and managers will also obtain fair housing training. [Read the December 22, 2016 HUD press release.](#)

**Fair Housing Agreements Between Two Wyoming Landlords and Families Claiming Discrimination Settled.** The two agreements were between the owners and managers of an RHP mobile home park in Casper, Wyoming, and two families who said they were unlawfully denied the reasonable modifications they needed. Read the conciliation agreements [here](#) and [here](#). The families filed complaints that the company's owner and regional manager denied their requests of reasonable modifications needed by family members. They wanted to put chain-link fences around their yards so that their children, who are deaf or hard of hearing, could play safely. (RHP is the largest mobile home park owner/manager in the US with over 60,000 rental lots in 28 states.) Under the two agreements, RHP will provide monetary relief, let the families erect and maintain the fences, and install "Deaf Child at Play" signs at locations across the park. It also will adopt reasonable accommodation and reasonable modification policies consistent with the Fair Housing Act, give copies of the policies to all new tenants applying to live at any of their properties, and post fair housing posters in their rental offices. [Read the December 22, 2016 HUD press release.](#)



**HUD Reaches Agreement with the Southern Nevada Regional Housing Authority to Resolve Allegations that It Violated the Fair Housing Act by Denying a Mother Reasonable Accommodation for Her Son With Disabilities.** Read the Voluntary Compliance Agreement. The mother of a son with disabilities filed a complaint that the Authority refused her request to be transferred to a three-bedroom unit to accommodate medical equipment her son needed. The Authority initially told her it would grant the accommodation, but failed to do so in a timely manner. Under the agreement, the Authority will pay the woman \$50,000; exempt her from paying rent for six and a half years (\$40,170); provide fair housing training for its staff; submit a reasonable accommodation policy and procedure to HUD; and post a fair housing poster in the public space of its offices. Incidentally, disability is the most common basis of complaint filed with HUD and its partner agencies. In 2015, HUD considered more than 4,500 disability-related complaints or almost 55% of all fair housing complaints.

**HUD Charges the Owner and Manager of a Salt Lake City Apartment Complex with Housing Discrimination for Denying the Reasonable Accommodation Requests of Residents with Disabilities.** [Read the charge.](#) The Disability Law Center filed a fair housing complaint for a female resident with disabilities at the Pine Cove Apartments, in Salt Lake City, which alleged that the owner and the manager of the 48-unit complex had refused her request to keep an assistance animal. Subsequent fair housing tests showed that the managers discriminated against people with disabilities. According to HUD's charge, the complex adhered to its "no-pets" policy even when medical documentation of a reasonable accommodation was presented. [Read the December 13, 2016 HUD press release.](#)





## **HUD Charges Landlords in South Florida with Discrimination Against Tenants with Disabilities, and Reaches Agreements with Landlords in Nevada and Massachusetts Resolving Similar Charges.**

HUD charged the owner of a multifamily development in **Hollywood, Florida**, the property's management company, and a previous president of the homeowners' association with housing discrimination for failing to make reasonable accommodations, publishing discriminatory notices and statements, and trying to intimidate and retaliate against two family

members who filed a housing discrimination complaint. One lives at the property, and the other person, who has a disability, was prevented from visiting her cousin at the property because she requires the use of an emotional support animal. The owners and managers discriminated by requiring personal and unnecessary medical info for reasonable accommodations, and by forbidding emotional support animals and their owners from having access to the development. **In Quincy, Massachusetts, HUD reached a Voluntary Compliance Agreement with four property management companies after it found they had discriminated against a resident with disabilities by denying her reasonable accommodation** request to transfer to an accessible unit. The companies will pay \$12,614 to the resident, have a reasonable accommodation policy approved by HUD, train staff on the policy, and hire a contractor to assess and improve unit accessibility. **In Nevada, HUD's Agreement with the Nevada Rural Housing Authority came after a Carson City, Nevada woman with disabilities held that the Authority ended her benefits because she is disabled.** The resident also had said that her tenancy was wrongly terminated because of her disability. Under the agreement, the Authority will pay the woman \$11,000, reinstate her lease, approve her reasonable accommodation request to have a staff person as her contact with the Housing Authority; and provide fair housing training for its staff. [Read the November 9, 2016 HUD press release.](#)



## **DOJ and HUD Release Updated Guidance On The Application Of The Federal Fair Housing Act (FHA) To State And Local Land Use And**

**Zoning Laws.** The guidance will help state and local governments understand how to comply with the FHA when making zoning and land use decisions as well as to help members of the public understand their rights under the FHA. The guidance updates previous guidance issued in the Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Group Homes, Local Land Use and the Fair Housing Act on August 18, 1999. It includes: How does the Fair Housing Act apply to state and local land use and zoning?, When does a land use or zoning practice constitute intentional discrimination in violation of the Fair Housing Act? Can state and local land use and zoning laws or practices violate the Fair Housing Act if the state or locality did not intend to discriminate against persons on a prohibited basis? Does a state or local government violate the Fair Housing Act if it considers the fears or prejudices of community members when enacting or applying its land use laws respecting housing? What is a group home within the meaning of the Fair Housing Act? and much more. The guidance is available online at <https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0>. More information about the Justice Department's Civil Rights Division and the laws it enforces can be found at <https://www.justice.gov/crt>. More information about

HUD and the civil rights laws it enforces is at [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing). [Read the November 10, 2016 DOJ press release.](#)



**US Department of Justice Settles Housing Discrimination Lawsuit Against the Developers of Six Multi-Family Housing Complexes in Southern Mississippi.** They will pay \$350,000 to settle claims that they

built apartment complexes inaccessible to persons with disabilities. As part of the settlement, the defendants will also make substantial retrofits to remove accessibility barriers at the six complexes with almost 500 covered units. Under the settlement, the defendants will pay all costs related to the retrofits, \$250,000 to compensate 25 individuals harmed by the inaccessible housing, and \$100,000 in civil penalties. They will undergo training, have future construction compliant with federal accessibility laws, and make periodic reports to the department. The lawsuit was filed in 2014 after an independent investigation of a referral of complaints from HUD. [Read the December 5, 2016 DOJ press release.](#)

**DOJ Charges the Village of Tinley Park, Illinois (a Chicago Suburb), with Violating the Fair Housing Act When It Refused to Approve a Low-Income Housing Development Because of Race-Based Community Opposition.**

In 2015, the Buckeye Community Hope Foundation sought to build a 47-unit apartment complex for low-income individuals just outside of Tinley Park's downtown. Tinley Park refused to approve the project despite the its planning department's finding that the project conformed to the applicable building requirements. In response to vocal and sometimes race-based community opposition, Tinley Park trustees tabled project consideration. The suit seeks a court order requiring Tinley Park to approve the development and to take other action to ensure compliance with the Fair Housing Act, monetary damages for persons harmed by Tinley Park's actions, and a civil penalty. [Read the November 23, 2016 DOJ press release.](#)



**MARYLAND NEWS**

**Silver Spring Church Defaced in Hate Crime, But Community Responds & Helps.**

The Episcopal Church of Our Saviour's outside Spanish-language banner and brick exterior had "Trump Nation. Whites Only" scrawled boldly. The Church went ahead with its Sunday services, and hoped for the best. Two days later, a very large banner reading "Silver Spring Loves and Welcomes Immigrants" was donated and placed in the Church's front yard. It had been paid for by a spontaneously formed sympathetic social network group. The Church's priest is now committed to using his church as a hub for resisting hate and intolerance. [Read the November 23, 2016 Washington Post article.](#)

**FAIR HOUSING RESOURCES**

**The Summer 2016 Issue of Evidence Matters Has Several Excellent Articles.**

"Housing, Inclusion, and Public Safety" looks at recent findings about safety and inclusive neighborhoods, "Neighborhoods and Violent Crime" has concrete actions for lessening violent crime. The HUD Policy Development & Research publication is free, and you can read this and previous issues at <https://www.huduser.gov/portal/evidence.html>



**Interested In Fair Housing? Community Development? Insurance? Foreclosure Prevention? Check Out the [GBCHRB's YouTube Channel!](#)**

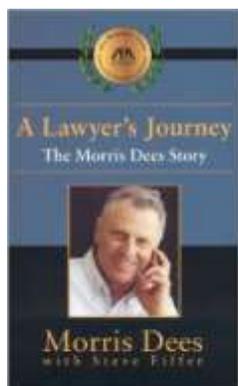
You can watch interviews about insurance, discrimination, housing, Fair Housing laws, disability issues, mortgage lending, etc. Our radio shows:



<http://www.gbchrb.org/2rad9899.htm>.

**The GBCHRB Distributes Free Fair Housing Brochures, Posters, and Guides.** We have Fair Housing information, brochures, guides, & posters in English, Spanish, Korean, Russian, and for people with disabilities. We also distribute brochures and guides about housing and insurance. 410.929.7640 / <mailto:wkladky@gbchrb.org>.

**What Do You Think of This Newsletter?** Is it good? Bad? How can we improve it? What issues should we cover more? Less? Any good ideas? Tips? Positive or negative, we want to hear from you! We appreciate constructive criticism! Send comments to <mailto:wkladky@gbchrb.org>.

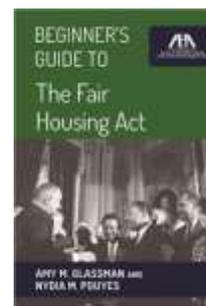


## HAVE YOU READ?

***A Lawyer's Journey: The Morris Dees Story* (ABA Biography Series) by Morris Dees with Steve Fiffer.** American Bar Association, 2003. 365 pages. \$39.00, paperback. If you have not read this book, you should. Dees is the co-founder and chief trial counsel of the Southern Poverty Law Center, and "is a courageous legend who has not only combated hate and the murderous Ku Klux Klan, but who has shown us what it means to truly fulfill the oath of an attorney against the onslaught of verbal criticism that many of us receive daily and against the real threat of physical violence, retribution, and even death at the hands of the notorious hate group. While the Klan wore white sheets and hoods, Dees faced them head on, eyeball to eyeball. What is surprising is not only his successful work in dismantling the despicable group, but that he is still alive to tell the story" (National Association of Criminal Defense Lawyers 2003).

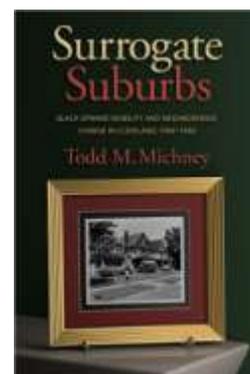
To be released on March 1, 2017:

***Beginner's Guide to the Fair Housing Act* by Amy M. Glassman and Nydia M. Pouyes.** American Bar Association. 46 pages. \$39.95, paperback. According to the description: "After providing a brief background on general fair housing laws to provide context for these new developments, this book provides an overview of disparate impact, AFFH, the Equal Access Rule, a proposed HUD rule on hostile housing environments, and the potential impact on housing providers and their counsel." Sponsored by the ABA's Forum on Affordable Housing and Community Development, this slim volume also has "Quid Pro Quo and Hostile Environment Harassment and Liability for Discriminatory Housing Practices" and "Resources for Fair Housing Act Compliance."



To be released on March 20, 2017:

***Surrogate Suburbs: Black Upward Mobility and Neighborhood Change in Cleveland, 1900–1980* by Todd M. Michney.** University of North Carolina Press. 352 pages. \$34.95, paperback. History and analysis of the largely successful struggles of Cleveland's African American middle class before the 1960's. From the description: "the creative ways that members of this nascent community established footholds in areas outside the overcrowded, inner-city neighborhoods to which most African Americans were consigned. In asserting their right to these outer-city spaces, African Americans appealed to city officials, allied with politically progressive whites (notably Jewish activists), and



relied upon both black and white developers and real estate agents to expand these 'surrogate suburbs' and maintain their livability until the bona fide suburbs became more accessible."



## REST IN PEACE

**Jack Greenberg, Civil Rights Lawyer, 91.** Greenberg, a protégé of and successor to Thurgood Marshall at the NAACP Legal Defense and Educational Fund, was part of Marshall's circle at work. He helped argue landmark civil rights cases like *Brown v. Board of Education*, which led to a 1954 ruling by the U.S. Supreme Court that abolished "separate but equal" racially segregated public schools. For 23 years, Greenberg was the Fund's director-counsel, leading the appeals to the Supreme Court in major cases involving desegregation, employment discrimination, and the racially biased application of the death penalty. For example, he helped litigate *Meredith v. Fair*, which enabled James Meredith's 1962 integration of the University of Mississippi. His lauded books included *Race Relations and American Law* (1959), *Crusaders in the Courts* (1994), and *Brown v. Board of Education: Witness to a Landmark Decision* (2004). [Read the October 12, 2016 Washington Post article.](#)

**Leonard B. Sand, Yonkers Segregation Case Judge , 88.** Sand presided over the long battle over remedies to the Yonkers, New York, housing segregation case that led to his 1986 order that the city adopt a plan for building 1,000 units of low- and moderate-income housing in mostly white neighborhoods. The U.S. Department of Justice and the N.A.A.C.P. had filed a complaint against the city for its continuing practice of putting subsidized housing in racially segregated areas. The HBO 2015 mini-series "Show Me a Hero" dramatized the battle. Judge Sand finally forced the City to act right after imposing large fines in 1988. In another case, Sand reversed a ban on panhandling in the New York City subway system, writing: "A true test of one's commitment to constitutional principles is the extent to which recognition is given to the rights of those in our midst who are the least affluent, least powerful and least welcome." [Read the December 5, 2016 New York Times obituary.](#)

