



# FAIR HOUSING NEWS

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



**GREETINGS!**  
 Welcome to this edition of *Fair Housing News* produced by the GBCHRB as a public service! To join the mailing list: <mailto:wkladky@gbchrb.org>. You can go to our website <http://www.gbchrb.org> for laws, links, etc. See our TV show on the YouTube Channel - <http://www.youtube.com/user/wkladky1>! Or, check out <http://www.gbchrb.org/2rad9899.htm> for radio shows on topics about Fair Housing!

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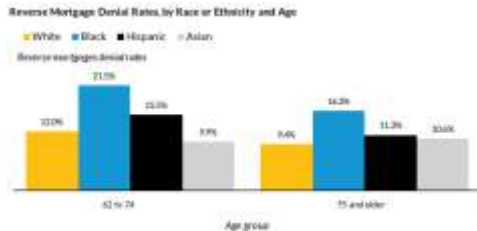
## NATIONAL NEWS

**HUD Restores “Discriminatory Effects” Rule to Strengthen Fair Housing Enforcement.** HUD’s Final Rule cancels its 2020 rule weakening Fair Housing Act disparate impact claims and restores the 2013 discriminatory effects rule. It has been used to challenge policies that exclude people from housing opportunities, including zoning requirements, lending and property insurance policies, and criminal records policies. The rescinded 2020 rule weakened HUD's 2013 discriminatory effects rule regarding cases of discriminatory effects for cases filed with HUD and by private plaintiffs. The 2013 rule was that a policy with a discriminatory effect was illegal not producing a substantial nondiscriminatory interest or if a less discriminatory alternative could serve. The 2020 rule added new pleading requirements, new proof requirements, and new defenses making it more difficult to prove that a policy violating the Act was legal. [Read HUD’s Final Rule on Restoring HUD’s Discriminatory Effects Standard.](#) [For more information, read this Fact Sheet.](#)

**Study Finds Columbia, Maryland, is Becoming More Racially Segregated.** The National Community Reinvestment Coalition (NCRC) found that Columbia has changed from a case study of 1970s housing desegregation to being racially segregated in 2023. The planned communities of Columbia and Reston, VA, were a new era of housing desegregation in the 1960s. Columbia was built by James Rouse, with the goal of “be(ing) economically diverse, poly-cultural, multi-faith, and inter-racial.” It had no racial covenants, no racial steering of buyers, and affordable housing for a mix of incomes. Blacks in Howard County increased rapidly from 1970 to 1980, with much of this in Columbia. In 1980, Columbia had low levels of segregation and an evenly distributed Black/White population on a neighborhood level. These measures gradually worsened. Three common measures of segregation at the community level now show that the evenness of Black distribution and the exposure of Black and White groups to one another both declined, while Black isolation from Whites increased.



By 2020, Howard County was 21.4% Black and Columbia 28.1% Black. While there has been an increase in diversity in the County and Columbia, there has also been increasing segregation. [Read the February 1, 2023 NCRC article.](#)



**New Research Finds Black Seniors are Disproportionately Denied Mortgage-Based Loans.** The Urban Institute's report found that the Home Equity Conversion Mortgage (HECM) option tapping home equity could financially help Black senior homeowners, but they are disproportionately denied access at every age and income level. Black HECM applicants have higher denial rates than whites for all age groups, and at all loan

amounts across all incomes. The denial rate for Black HECM applicants is the highest across all ages: 21.5% of Black applicants 62-74 are denied, compared with 12.0% for whites. The overall denial rates for over 75 decrease for white, Black, and Hispanic borrowers, but the denial gap is 6.9 percentage points. For Black applicants with loans under \$100,000, 36.4% in low- and moderate-income neighborhoods are denied, compared with 19.5% of whites. 14.7% of Blacks with \$200,000-\$300,000 loans are denied, compared with 9.3% of whites. One reason Blacks have higher denial rates could be their limited liquid wealth and postretirement income. 33.8% of Black HECM applicants were denied because of insufficient cash. The median liquid net worth for Black homeowners over 62 is \$3,500 compared with \$104,000 for whites. Only 29.3% of Black homeowners over 62 have individual retirement accounts compared to whites' 54.8%. HECM's high up-front costs and high annual mortgage insurance premiums (MIPs) are not affordable for the average Black. Black senior homeowners also have much less housing wealth than whites. Among Black applicants over 62, 25.0% of all denials are for insufficient collateral. Black homeowners are more likely than whites to have mortgage debt, limiting the amount of collateral value Blacks could use to qualify for a HECM. Because Blacks tend to have low incomes and low credit scores, the financial assessment decreases the amount of home equity they can borrow, making them less likely to tap home equity and HECM approval. Also, Blacks are disproportionately likely to have thin or no credit files, increasing the likelihood of escrowing future property tax and insurance payments required in the financial assessment, which, in turn, limits the amount of home equity they can borrow. [Read the February 23, 2023 Urban Institute research brief.](#) [Read the February 23, 2023 Research Mortgage Daily article.](#)



**Widespread Discriminatory Housing Appraisals Persist in the U.S.** A large number of Black property owners hold that white appraisers are using race to determine home worth. About 97% of U. S. appraisers are white. The National Community Reinvestment Coalition (NCRC) and other advocates hold that the result is rampant appraisal discrimination. A 2022 NCRC report found that the average appraiser's value was \$7,000 higher for the same home owned by a white rather than a Black. A relevant housing discrimination complaint has just been filed with HUD by Terry Horton, a Cincinnati landlord for over 10 years, who has rented to single mothers with Section 8 housing rental assistance, and he and all of his tenants are Black. To raise cash for buying a new building, Horton wanted to refinance his rental property in an area with a \$39,000 median income. His lender estimated the property's value at around \$500,000, but an appraiser said \$359,000. Should HUD determine that there is cause in this complaint, the case could be moved to a HUD

administrative or to a federal judge. [Read the March 18, 2023 New York Times article.](#) [Read the February 27, 2023 NCRC article.](#)

**Evictions Rise Above Pre-Pandemic Levels.** The Princeton University's Eviction Lab study found that the rate of eviction filings has returned or exceeded pre-pandemic levels in many cities recently, stimulated by the historically high cost of housing and other basic necessities. The Lab's estimated 2018 national number of evictions was 3,656,427.8 filings affecting an estimated 46,902,048 households, with a rate of 0.078. An estimated 2,734,662.8 households were threatened with eviction. For Baltimore, there were 52,200 Baltimore households threatened by eviction, a 36.6% rate compared to the national 7.8%. According to the Lab for 2018, Baltimore had a rate of 92.3 evictions filed for every 100 residents, with 132,000 evictions filed that year. The is extremely high, however, but because of the way Maryland records eviction notices, it has a much higher filing rate than elsewhere, but not necessarily more evictions. In Maryland, the eviction process starts with an eviction filed in court rather than most other states filing an out-of- court notice delivered to a tenant. Many landlords file against their tenants every month, resulting in very high case volume. The number of filings is inflated because of unique court procedures, resulting in a high rate. The study found that the eviction crisis tends to disproportionately affect minority groups, especially Black women. The Eviction Lab's data set is the nearest equivalent to a nationwide evictions database, with the ability to search for an individual county, compare data across regions, interact with demographic characteristics, and create local reports. [Read the March 16, 2023 AXIOS article.](#)



**April is National Fair Housing Month!** The U. S. Department of Housing & Urban Development (HUD) annually proclaims April as National Fair Housing Month, this year with the theme of [“Choices for All Voices: Building and Equitable Future.”](#) This also commemorates the 55th anniversary of the signing of the Fair Housing Act by President Lyndon B. Johnson in 1968. HUD initially held a gala event marking the first year of the Act's passage. The tradition of celebrating Fair Housing Month has grown much larger. Governors began to issue proclamations and many schools sponsored poster and essay contests on fair housing issues.

Regional winners from these contests appeared in HUD events with their Congressional representatives. Every HUD region has its own celebrations, meetings, dinners, contests, and radio-television shows that featured HUD, state and private fair housing experts, and officials. In Maryland, the Month also celebrates the passage of Article 49-B of the Annotated Code of Maryland prohibiting discrimination in the sale or rental of housing. The Governor traditionally issues a Proclamation declaring April as Fair Housing Month in the State, and various celebrations are held. The HUD Baltimore Office, Maryland Commission on Civil Rights, several governmental agencies, nonprofit organizations, and private groups - including the GBCHRB - hold various events. [“Seven Days - History of the Fair Housing Act.” A Short History of National Fair Housing Month.](#) [HUD Fair Housing & Equal Opportunity National Office .](#)

**A Maryland man has been charged by federal authorities with making threats of violence to the D.C.-based LGBTQ organization [Human Rights Campaign](#) (HRC) in a March 28th voice mail, a day after the killing of six persons at a school in Nashville. Nashville police initially said the shooter, Audrey Hale, was a 28-year-old woman, and later said Hale was transgender, according to Hale's social media profile where he used masculine pronouns. It has not yet been confirmed how Hale identified. Since the shooting, some conservative commentators and Republican politicians have cited reports about the shooter's gender**



identity in voicing anti-trans sentiments. The voice mail, which federal authorities said was traced to a 34-year-old of West Friendship, Maryland, used anti-trans rhetoric. Most criminal justice experts report that transgender people are rarely the shooters in mass killings, which are overwhelmingly carried out by CIS men. Multiple studies have found that trans people are more likely to be victims of violence than others. In the message to the HRC, the caller said words that federal authorities believe were referring to the Nashville shooting and the shooter's gender identity, according to court documents. Some threats, laden with profanity, referred to specific acts of violence. If convicted, the accused could get up to five years in federal prison. [Read the April 4, 2023 Washington Post article.](#)



Metropolitan Washington  
Council of Governments

### **Draft of the New Metro Washington Regional Fair Housing Plan Finds Housing Segregation has Increased.**

The Regional Fair Housing Plan, by the Metropolitan Washington Council of Governments and eight local jurisdictions, found that segregation is on the rise in this region. The area's Dissimilarity Index (measuring housing segregation) has risen since 2010. The Isolation Index (measuring the extent people live near others who are similar to them) and the Exposure Index (measuring whether people live near others from different racial and ethnic groups) both have increasing levels of segregation. A spokesperson said "This divide has been long-standing, that is not new. But it has intensified over time, rather than plateaued or stayed stable or decreased like in other places." The 2023 Regional Fair Housing Plan, a shared housing strategy toward the same goals, was done by the District, Arlington, Fairfax, Prince William, Loudoun, and Montgomery counties, Alexandria, and Gaithersburg. [Read the February 23, 2023 Washington Post article.](#) [Read the January 31, 2023 Metropolitan Washington Council of Government's press release.](#)

## MARYLAND NEWS

### **Maryland Attorney General Brian Frosh Overrules 22 Racist Opinions of Predecessors.**

The 22 rulings, previously rendered unconstitutional by courts, had enabled agencies to uphold segregation, discriminate against people of color, and deny marriage licenses based on race. While the opinions are not legal, overruling them "helps Maryland atone for generations of racist policies." [Read his opinion.](#) He began reviewing the opinions after Virginia's attorney general in 2022 overturned 58 opinions upholding racial discrimination by past attorney generals. "As much as we might prefer otherwise, our research showed that the Office of the Maryland Attorney General was sometimes complicit in the State's history of racial discrimination," Frosh wrote. Examples are: (1) After the U.S. Supreme Court ruled schools could not be segregated by race, one argued that Maryland could separate Black and White children in trouble with the law and court-assigned to remedial "training schools;" and (2) In 1928, one said a clerk should deny a marriage license to a White man and a woman whose paternal grandparents were Black. [Read the Attorney General's legal brief.](#) [Read the November 2022 Washington Post article.](#)



## FAIR LENDING NEWS

**California to Regulate Fintech Payday Loans After Study Finds Exorbitant Rates.** Some states are revising their financial regulations to regulate so-called "junk fees" from payday predatory loans that drain

wealth from communities of color and other vulnerable users of fintech payday loans, many with less than \$25,000 income. California has proposed new state regulations that widen the definition of fintech loans under regulation. Advocates have praised the proposal as a rejection of claims that these payday loans are not loans. California thus has officially recognized that earned wage advances and other fintech payday loans are loans, and that tips, instant access fees, and other fees with high interest rates are subject to state rate limits. It was found that fintech payday loans, whether employer-based or direct, have triple-digit APRs forcing borrowers into the a debt trap cycle like traditional payday loans. Providers will register/obtain a license and comply with the fee and interest rate limits, capping the interest rate on loans up to \$2,500 at 30% or lower, depending on its size, and lenders may charge an administrative fee more than 5% of the advance. The regulations cover earned wage advances that access employer time and attendance records (i.e., DailyPay, PayActiv, Even); cash advances claiming to be earned wages but with no connection to an employer or its payroll system (Earnin); and cash advances offered by nonbank banking apps (i.e., Money Lion, Dave, Brigit). Legislation pending in several states would exempt fintech payday lenders from interest rate limits and other consumer protection laws. [Read the March 17, 2023 NCLC release.](#)



**Advocates Urge FinWise Bank FDIC Downgrade for Predatory Lending - Community Reinvestment Act (CRA) violations.** They argue that FinWise Bank's lending through American First Finance, Elevate, and Opportunity Financial (OppFi), offering loans at up to 160% APR, "raises serious consumer protection issues and fails to meet the convenience and needs of the communities it serves." Under FDIC rules, banks are responsible for risks arising from third-party relationships to the same extent as if the activity were handled by the bank. The advocates' comments pointed out that American First Finance has twice as many complaints to the Consumer Financial Protection Bureau (CFPB) as EasyPay, whose partner Transportation Alliance Bank was downgraded by the FDIC in early 2023 because of deceptive acts/practices by a partner, probably EasyPay Finance. FinWise Bank's partner American First Finance operates similar to EasyPay Finance, providing predatory puppy loans and other high-cost loans through retail stores for pets, furniture, auto repairs, and appliances. Two of FinWise Bank's other rent-a-bank lenders, Elevate and OppFi, have rates well over 50% for charge-offs debts unlikely to be collected, with high-rates of default.. FinWise Bank, chartered in Utah and FDIC supervised, is one of only a few rogue banks that front for predatory lenders. Most states have interest rate limits to stop predatory lending, but the lenders try to evade state laws by laundering their loans through banks, which are exempt from state rate caps. The letter was signed by Accountable.US, Americans for Financial Reform, Center for Responsible Lending, Consumer Action, Consumer Federation of America, National Community Reinvestment Coalition, NCLC (on behalf of our low-income clients), Public Citizen, U.S. PIRG, and Woodstock Institute. [Read the March 15, 2023 Consumer Federation of America release.](#)

## HUD & DOJ ENFORCEMENT

**HUD Charges Owners of San Francisco Bay Area Apartment Building with Discriminating Against Family with Minor Children.** The owners of an apartment building in Burlingame, California, have been charged. [Read the Charge.](#) HUD's Charge of Discrimination alleges that when the couple first rented the one-bedroom apartment, they were pregnant with their first child and later had a second child. The Charge asserts that before the couple moved into the apartment, the charged was displeased that a



child would be living there and suggested that they rent a larger, more expensive unit instead. She then made repeated efforts to convince the couple to move to a larger unit, although the couple made clear they could not afford it. After learning that the couple was expecting a second child, she allegedly increased her efforts, often telling the couple that their children damage the apartment. Feeling harassed and risking imminent eviction, the family moved out of the apartment. A United States Administrative Law Judge will hear HUD's Charge unless any party to the Charge elects to have the case heard in federal district court. [Read the April 3, 2023 HUD press release.](#)



### **Texas Man Pleads Guilty to Hate Crime and Arson for Setting Fire to the Congregation Beth Israel Synagogue in Austin, Texas, on Oct. 31, 2021.**

According to court documents and admissions made during the plea hearing, three days before the arson, on Oct. 28, 2021, the man went there to “scout out a target.” He admitted that he targeted the synagogue because of his hatred of Jews. The night of the arson, Sechriest drove to the synagogue and was seen on surveillance video carrying a five-gallon container and toilet paper toward the synagogue’s sanctuary. Moments later, multiple surveillance videos captured the glow of a fire from the direction of the sanctuary. A security camera captured Sechriest jogging away from the direction of the fire and toward the open driver’s side door of a vehicle. A concerned citizen reported the fire, and the Austin Fire Department responded quickly to extinguish it. In his journal, he wrote “I set a synagogue on fire.” In the days following the arson, Sechriest’s journal, he noted that he was actively monitoring media reports to track the progress of the investigation into the arson. The sentencing is set for June 23rd. He faces a maximum sentence of 20 years in prison and a \$250,000 fine. [Read the April 7, 2023 U.S. Department of Justice release.](#)

### **City of Chicago Held in Violation of Americans with Disabilities Act.**

A federal judge in Chicago held the City of Chicago liable for violating the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act by failing to provide accessible pedestrian signals at signalized intersections throughout the city to those who are blind or have low vision. In April of 2021, the Justice Department intervened in a disability discrimination lawsuit that people with visual disabilities brought against the City under the ADA and the Rehabilitation Act. The Department’s complaint alleged that the city fails to provide people who are blind, have low vision, or are deaf-blind with equal access to pedestrian signal information at intersections. Pedestrian signal information, such as a flashing “Walk/Don’t Walk” signal, indicates when it is safe to cross the street for sighted pedestrians. Accessible pedestrian signals (APSS) provide pedestrians with safe-crossing information usually through audible tones, speech messages, and vibro-tactile surfaces. While Chicago provides sighted pedestrians visual crossing signals at 2,800 intersections, the suit said fewer than 1% were equipped with APSS for people who are blind or have low vision. The U.S. District Judge sided with the Department and the private plaintiffs, holding the city in violation of the ADA and Section 504 of the Rehabilitation Act. [Read the April 5, 2023 Justice Department release.](#)



## **CALENDAR**

**Thomas Juricks, Who was Lynched in 1869, will be Honored by Prince George’s County on April 15<sup>th</sup>.** The Prince George’s County Lynching

Memorial Project, a local grassroots organization affiliated with the Equal Justice Initiative and the Maryland Lynching Memorial Project, will hold a Community Remembrance on April 15, 2023, at 1-3 p.m. at the Harmony Hall Apts. Center at the Harmony Hall Regional Center, 10701 Livingston Road, Fort Washington, Maryland. Juricks was the earliest known racial terror victim in Prince George's County. The program will tell Juricks' story, a Black laborer and farmhand who lived with his family in the Piscataway area near Fort Washington and was extra-judicially murdered by a masked mob of whites on October 12, 1869. He will be acknowledged and honored with a libation ceremony, soil collection, music, poetry, and dance. Students of several local schools will be performing. Registration is encouraged but not required: <https://bit.ly/TJuricks2023>. [Read the April 6, 2023 Project article.](#) [Read Juricks' biography in the Archives of Maryland.](#)

### HUD will hold a “Bridging the Wealth Gap: Asset Building and Economic Justice Summit” on May 1, 2023 from 11 a.m. to 4 p.m.

It will be at the Robert C. Weaver Federal Building, 451 7th Street, SW, Washington, D.C. 20410. In person / Virtual option available. Attendees will hear from HUD leadership about the importance of leveraging housing as a platform to build assets and work towards economic justice. Presenting will be community leaders, staff from across the federal government, policy experts, affordable housing practitioners, and others in the field. Housing, asset building, and financial empowerment are key components of HUD's efforts to support those who have been historically underserved. [Register for the HUD Summit.](#)



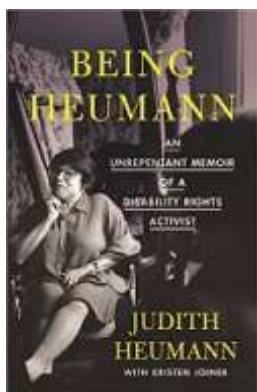
## FAIR HOUSING RESOURCES



**Interested In Fair Housing? Community Development? Insurance? Foreclosure Prevention? Check Out the [GBCHRB's YouTube Channel!](#)** You can watch interviews about insurance, discrimination, affordable housing, Fair Housing laws, disability issues, mortgage lending, and related issues. 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, as well as brochures and guides about housing and insurance. 443.347.3701 / <mailto:wkladky@gbchrb.org>.

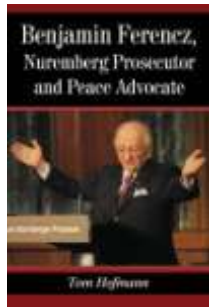


**What Do You Think of This Newsletter?** Is it good? Bad? How can we improve it? What issues should we cover more? Less? Any good ideas? Tips? Good jokes?! Positive or negative, we want to hear from you! Send your comments to <mailto:wkladky@gbchrb.org>.

## INTERESTING BOOKS

*Being Heumann: An Unrepentant Memoir of a Disability Rights Activist* by Judy Heumann and Kristen Joiner. Beacon Press, 2020. 240 pages. \$26.95, hardcover. In this autobiography, Heumann tells her story of fighting for the right

to receive an education, have a job, and work for basic human rights for people with disabilities. "Paralyzed from polio at eighteen months, Judy's struggle for equality began early in life. From fighting to attend grade school after being described as a 'fire hazard' to later winning a lawsuit against the New York City school system for denying her a teacher's license because of her paralysis, Judy's actions set a precedent that fundamentally improved rights for disabled people." Her advocacy work led to the creation of the Americans with Disabilities Act, and several other important laws and regulations affecting the lives of people with disabilities.



## REST IN PEACE

**Ben Ferencz, the Nuremberg Chief Prosecutor of Nazis, has died at 103.** He tried Nazis for genocidal war crimes and was among the first outside witnesses to document the atrocities of Nazi labor and concentration camps. As an investigator of Nazi war crimes as part of a War Crimes Section of the Judge Advocate's Office, Ferencz visited the Ohrdruf labor camp and the Buchenwald concentration camp. At those and others, he found bodies "piled up like cordwood" and "helpless skeletons with diarrhea, dysentery, typhus, TB, pneumonia, and other ailments, retching in their louse ridden bunks or on the ground with only their pathetic eyes pleading for help," Ferencz wrote in his bio. He was recruited to help prosecute Nazi war criminals at the Nuremberg trials under U.S. Supreme Court Justice Robert Jackson. Ferencz also worked for several Jewish charitable groups helping Holocaust survivors regain properties, homes, businesses, art works, Torah scrolls, and other Jewish religious items that had been stolen by the Nazis. He also helped negotiate compensation to the Nazi victims, and successfully advocated for an international court to prosecute any government's leaders for war crimes (International Criminal Court in The Hague, 2002). [Read the April 9, 2023 Washington Post obituary.](#)

**Judy Heumann, Disability Rights Advocate, 75.** Heumann advocated for the inherent dignity of people with disabilities, campaigning for federal civil rights legislation while organizing sit-ins, marches, and other nonviolent demonstrations. Heumann, who was paralyzed from childhood polio, filed a lawsuit to become the first New York City public school teacher to use a wheelchair. She advocated for disabled people as an official in the Clinton and Obama administrations, as a World Bank adviser, and as the first director of the D.C. Department of Disability Services. She also wrote an autobiography (reviewed in the Interesting Books section of this issue). Heumann also ran the San Francisco Center for Independent Living, worked for the U. S. Education Department, and helped start several disability nonprofits. Heumann was most known for her advocacy for the Rehabilitation Act of 1973, banning discrimination against disabled people in federally funded programs. When President Richard M. Nixon vetoed an early version, she organized a sit-in stopping traffic in New York City. But after the legislation passed, administrations delayed implementing Section 504, a key regulation. So, in 1977, Heumann - and over 100 disabled protesters, interpreters, and care aides, activists who were blind or deaf, and others - staged a four-week-long sit-in at a San Francisco federal office building pushing for the regulations to be approved. [Read the March 6, 2023 Washington Post article.](#)

