

Fair Housing & Refugees

Presented by the Intermountain
Fair Housing Council, Inc.

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What is the Fair Housing Act?

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



Why Fair Housing?

Where you live determines:

- Where your children go to school
- Ease of getting to work, healthcare, recreation
- What kind of physical danger you may be exposed to

It is good for the community:

- Ensures it is a good place for future businesses to locate
- Promotes economic growth and welfare for all

The Fair Housing Act Prohibits Discrimination in the Sale and Rental of Housing Based on a Person's:

- Race
- Color
- Sex
- Religion
- National Origin
- Disability
- Familial Status (presence of children under 18 yrs. old)
- Sexual Orientation/Gender Identity in HUD-Funded Housing

<http://portal.hud.gov/hudportal/documents/huddoc?id=LGBTPR.PDF>



What is Housing?

A “dwelling” ...

- Any building, structure, or portion of a building that is occupied or intended to be occupied.
- Any of the above where a person intends to return.

Housing Covered under the Fair Housing Act:

(includes but is not limited to)

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

Four Jurisdictional Requirements for a Fair Housing Case

- ▶ Person in a protected class
- ▶ A covered housing provider
- ▶ An illegal discriminatory housing transaction—an act that was done because of or has an adverse impact on a protected class or classes
- ▶ The illegal discriminatory act happened within the last year to file with HUD or two years in court (federal or state). Other statute of limitations may apply or be applied differently based on continuing violations and or pattern and practice cases or interpretations of cases.

Does the Fair Housing Act Apply to Refugees?

- Yes. Refugees, just like everyone else are protected because of race, color, national origin, religion, sex, familial status and disability as well as under other federal, state, and local laws.
- Yes, refugee agencies are covered housing providers under the Fair Housing Act if they act as the housing provider and or housing placement provider for refugees.

The Fair Housing Act Applies to Refugees and their Housing Process, but What is a Refugee and Why does the Fair Housing Act Apply?

Who are refugees?

- **The U.S. definition of a refugee is:**
- "Any person who is outside any country of such person's nationality
- or, in the case of a person having no nationality, is outside any country in which such person last habitually resided,
- and who is unable or unwilling to return to,
- and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."

Where do refugees come from?

- ▶ Refugees come to our community from all over the world.
- ▶ The top five countries of origin for refugees resettled in Idaho in FY 2014 were Iraq, Congo, Bhutan, Burma, and Somalia.
- ▶ The top seven countries of origin for refugees resettled in Washington in FY 2014 were Iran, Iraq, Burma, Somalia, Bhutan and the Democratic Republic of the Congo, and Ukraine.

What is a refugee agency?

- A **Voluntary Resettlement Agency (VOLAG)** is a private agency that enters into a grant, contract or cooperative agreement with the U.S. Department of State to provide for the reception and initial placement of refugees. This assistance may include social services, cash, food, **help in finding housing**, etc.
- In not all cases, but most, refugee agencies help place in/find and pay for housing.

How long have refugees been resettling in Idaho and Washington?

- ▶ Idaho entered the refugee resettlement arena in 1975, when Governor John Evans established the Indochinese Refugee Assistance Program in response to the need for all states to participate in the resettlement of refugees fleeing the overthrow of U.S. supported governments in Southeast Asia. [The Refugee Act of 1980](#) was passed to set up systems to deal with the increasing number of refugees from Vietnam, and other countries of the world. In Idaho, the process of resettlement became more formalized under this Act.
- ▶ Washington State has a long history of providing services and support to refugees. WA state was the first to respond to President Gerald Ford's call for assistance for refugees in May 1975. At that time, Governor Dan Evans made an initial commitment to resettle 500 refugees from Southeast Asia. They were provided temporary shelter at Camp Murray near Tacoma. Since that time, Washington continues to be ranked as one of the top resettlement states in the U.S.

Who works with refugees in Idaho and Washington?

- ▶ Washington is a state resettlement state meaning the State runs the refugee program and provides funds in addition to the federal funds. The Office of Refugee and Immigrant Assistance (ORIA) is located within the State of Washington, Department of Social and Health Services (DSHS), Economic Services Administration (ESA), Community Services Division (CSD). The private nonprofit resettlement organizations in Washington are (they may receive other federal and private funds):
 - ▶ Diocese of Olympia
 - ▶ World Relief
 - ▶ Lutheran Services
 - ▶ Jewish Services
 - ▶ International Rescue Committee

- ▶ Idaho is a private resettlement state meaning there is NO State Agency and No state funding but there may be other federal funding, grants, donations, etc.
 - ▶ Instead there is a private non-profit organization called Januus. Januus includes the Idaho Office for Refugees (IOR). IOR oversees the private refugee program in Idaho. Three private nonprofit refugee organizations or VOLAGS in Idaho are:
 - ▶ World Relief
 - ▶ International Rescue Committee
 - ▶ Agency for New Americans

Resettlement Process

- ▶ The Process

1. **Refugees flee their homeland:** Because of a well-founded fear of persecution, a refugee will flee his/her home country.

2. **Refugees Seek Protection:** A refugee seeks protection from the United Nations High Commissioner for Refugees (UNHCR). Protection can come from one of three possible solutions: Return to the home country when homeland is deemed safe.

- ▶ Settle into the country to which they fled.

- ▶ Resettle permanently into a third country.

Resettlement Process

- ▶ 3. **Access to the US Refugee Program:** A refugee can access the U.S. Refugee Program through an application process that includes referrals. The referrals can come from: An individual referral from the UNHCR or any U.S. Embassy (P-1 cases).
- ▶ A group referral where a person claims to be a member of a group of special humanitarian concern to the U.S. (P-2cases).
- ▶ A referral from a relative in the U.S. seeking to reunite with his or her family member overseas (P-3 cases). Only certain nationalities are identified each fiscal year and only parents, spouses and unmarried children under the age of 21 are eligible for a family referral.

Resettlement Process

- ▶ 4. **Permanent Resettlement into a Third Country:** If permanent resettlement is deemed a possibility, the refugee is interviewed in his/her current place of residence by U.S. Citizenship and Immigration Services (USCIS) to see if he/she will be granted permission to enter the U.S. Refugee Program.
- ▶ 5. **Approval:** If a refugee is approved by USCIS, the case is allocated to one of the 9 domestic resettlement agencies.

Resettlement Process

- ▶ 6. **Resettlement:** The refugee's case is assured to a local office in the U.S., where help is found for the refugee. Assurance is based on an analysis of available resources in a given community to meet the needs of specific refugees.

****Screening Processes**

Security: For a detailed list of steps involved in the security screening process, [please access this PDF, created by the International Rescue Committee.](#)

Medical: For a list of pre-departure and post-arrival medical screening information, [visit the Refugee Health Guidelines page of the Centers for Disease Control and Prevention.](#)

Do refugees choose their resettlement city?

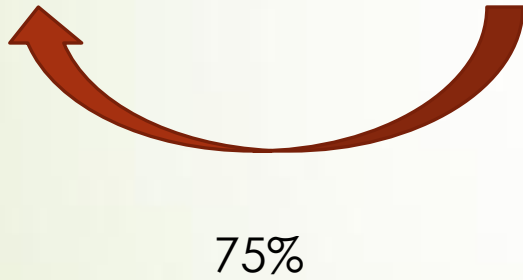
- ▶ No. Refugees do not choose their resettlement city. Unless there is a family member they are reunifying with, refugees are subject to the process of resettlement on the national level and have no choice where they are initially settled. They are, however, able to move from their initial resettlement city to another one should they choose to. (Can be very difficult process.)
- ▶ Lack of funding for refugee agencies and lack of choice in resettlement site (meaning choice of Country) and State, lack of choice in housing and lack of affordable housing, lack of income, and the travel loan debt combine to make the economic situation for New Americans difficult. Lack of choice may bring dissatisfaction and or fair housing issues if there is steering, segregation, etc.

Refugees arrive in the US with a Travel Loan

- ▶ From the start, refugees pay their way here (children as well as adults). Some refugees don't understand their loans especially refugees who are illiterate, disabled, minor children or did not have their loan properly interpreted.
- ▶ This lack of understanding or inability to pay can set refugees up for bad credit especially if they cannot work because they are disabled or a child, cannot obtain a job (for a variety of reasons), and or have expensive housing. Per HUD guidance, refugees like everyone else should pay no more than 30% of their income for rent or mortgage. Their cash assistance may not cover their rent and or help them keep within that guideline if they cannot find affordable housing.

Refugee Loan Fund: Revolving Fund for Interest-Free Loans

21



25%



VOLAGS



World Relief

DFMS Episcopal Church Center



Travel Loan Debt and Unaffordable Housing

- ▶ In the past in our experience, but not in every case, travel loans affect a large number of refugees who were being evicted from housing that they did not choose and could not afford. Refugees could not afford their rent especially when they had a travel loan payment that they were paying instead of their rent.
- ▶ In April of 2012, Domestic Resettlement Section Chief Barbara Day from PRM expressly stated that the failure to pay the travel loan should not affect the refugee, PR Status or Citizenship.

VOLAGS Responsibility under Cooperative Agreement

- ▶ During the 90-day initial reception and placement period, the Recipient shall provide or ensure that the refugees assigned to it are provided orientation, with appropriate language interpretation if necessary, concerning:
 - ▶ ...the legal requirement of each adult refugee to fully repay his or her IOM transportation loan in accordance with the established payment schedule.
 - ▶ ...requests for deferments, hardship or write-offs.
 - ▶ ...personal and household budgeting and finance.
 - ▶ ...help with affordable housing and income acquisition.

Reasons to Request a Deferral or Write-off

- Deferments
 - Hardship
 - Temporary medical conditions/permanent disability but can work
 - Unemployment and Under-employment
- Humanitarian Write-offs
 - Disability is Permanent and Can't Work
 - Death
 - Bankruptcy
 - Minor Orphans
 - Victims of Violence or Domestic Violence
- Documentation

How to Get Travel Loan and Housing Information Help

You can get a copy of a sample letter to fill out and send on your own, certified mail, from the following:

Idaho Legal Aid Services, Inc.

Web address: www.idaholegalaid.org

208-345-0106

www.idaholegalaid.org

Your VOLAG, IOM or a consumer protection legal assistance lawyers or advocates or your local legal aid office.

The Fair Housing Act and Refugees

- ▶ Remember the FHA prohibits discrimination in the sale, rental, and financing of housing, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status, and disability. The FHA prohibits types of action, regardless of actor, thereby covering a broad range of persons and entities that provide housing or engage in housing-related transactions. Resettlement agencies are covered insofar as they assist people in identifying and obtaining housing. (Note: The term “housing provider” does not appear in the FHA.)
- ▶ The FHA protects refugees as New Americans as stated above.

Fair Housing Issues Facing Refugees

- Lack of choice in placement
- Lack of affordability
- Steering and Segregating
- Occupancy Policies (used to bar large families, certain religions, & certain NOs)
- Failure to interpret contract terms
- Failure to translate in federally assisted housing (Title VI & Title VIII)
- Failure to return security deposits and or large damage claims
- Housing with serious infestations and being blamed for them
- Inaccessible housing
- Housed in low-economic opportunity areas—with crime, pollution, infestations, lack of transportation, etc.
- Lack of knowledge about other housing options, affordable housing, housing programs, housing vouchers
- Outright denials based on national origin, limited English proficiency, race, religion

Fair Housing Issues Facing Refugees

- ▶ Discriminatory actions toward Middle Eastern persons and anti-refugee sentiments in communities
- ▶ Charging higher rents, deposits based on national origin
- ▶ Mass evictions adversely affecting protected classes
- ▶ Using source of income, credit, criminal history to screen out prospective tenants
- ▶ City, County, and State land use policies that present barriers to affordable housing, group homes, etc. which discriminate based on a protected class or have a disparate impact based on a protected classes
- ▶ Affordable housing developers cannot build in in communities because homeowners/local governments block the building because of prejudice toward a protected class(es) or land use policies have a disparate impact

Addressing the Barriers

- ▶ HUD and the Office of Admissions for Refugees came to get together to address growing fair housing concerns facing refugees. From this meeting in January of 2012, PRM and HUD created a memo to provide the law and **best practices** for addressing housing barriers for refugees.

January 27, 2012, Memo from Lawrence Bartlett, Director, Office of Admissions to Resettlement Agencies regarding Information regarding Housing Placements for Refugees

- ▶ The Department of State, Bureau of Population, Refugees and Migration (PRM), in consultation with the Department of Housing and Urban Development (HUD), Office of Fair Housing and Equal Opportunity, provided the following *Note to Resettlement Agencies* in light of questions raised during the December 2011 Admissions Workshop.
- ▶ This *Note to Resettlement Agencies* included basic background information on relevant sections of the Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (Fair Housing Act or FHA), and other information, including suggested best practices, which may be helpful to resettlement agencies in the housing placement process.

Resettlement Agencies regarding Information regarding Housing Placements for Refugees

- ▶ As noted in the Cooperative Agreement (Agreement), resettlement agencies must provide the services specified therein “in a manner consistent with United States law.” Thus, in addition to compliance with the specific housing-related provisions in the Agreement, particularly those found in Section 8.C.4, resettlement agencies must also comply with generally applicable legal rules, such as those found in the Fair Housing Act.
- ▶ This *Note* is provided by PRM in the spirit of cooperation, as a partner to resettlement agencies, in seeking the best possible outcomes for refugees resettled in the U.S. It may not be relied upon as legal guidance. Each resettlement agency is solely responsible for ensuring compliance with U.S. laws such as the Fair Housing Act, and should consult with counsel when questions arise regarding specific cases.

Best Practices

Use the Fair Housing Act Affirmatively

- ▶ Partner with local fair housing organizations to ensure that landlords do not discriminate against refugees in the provision of housing.
- ▶ Document instances in which landlords refuse to rent homes to refugees, either explicitly because of refugee status, or under other pretext.
- ▶ File fair housing complaints if landlords refuse to rent to refugees because of race, religion, national origin or other protected class.

Best Practices

Pursue Diverse Housing Options

- ▶ To the extent required by law, refrain from placing refugees of the same race, religion, national origin or other protected class in the same neighborhood, building, or apartment complex.
- ▶ Continuously develop relationships with landlords in the local area, particularly those who provide affordable housing.
- ▶ Develop and maintain local records regarding the existence of affordable housing in particular neighborhoods.

Best Practices

Promote Choice

- ▶ To the extent practicable, allow refugees to view multiple housing options and to make decisions with regard to their initial housing placement.
- ▶ To the extent practicable, facilitate multiple lease options for refugees, such that refugees can decide whether they prefer a long-term or short-term arrangement.

Other

- ▶ Consult with counsel and/or the HUD Office of Fair Housing and Equal Opportunity at the Housing Discrimination Hotline by email, fheo_webmanager@hud.gov, or phone, 1-800-669-9777, if questions arise relating to the lawfulness of particular housing placements.
- ▶ Include a training component relating to compliance with the Fair Housing Act in the staff training plan for existing and new employees.
- ▶ Keep records in which the rationale for particular housing placements is recorded. (but IFHC recommends giving choice as to housing.)
- ▶ During orientation, discuss with refugees their housing-related rights relating to disabilities, reasonable accommodations, and other forms of discrimination such that refugees can seek recourse when/if landlords refuse to make required changes.

Reminders for Best Practices

The reminders found below may be helpful in circumstances in which resettlement agencies or when any housing provider discuss(es) housing options with resettled refugees:

- ▶ Do not ask refugees whether they would like to be housed near persons from their country of origin.
- ▶ Do not ask refugees whether they would like to be housed near persons of their same religion.
- ▶ Do not ask refugees whether they would like to be housed near a mosque, synagogue or other place of worship.
- ▶ Do not ask refugees whether they would like to be housed near restaurants, grocery stores, etc. that serve/provide types of food generally associated with a particular protected class.
- ▶ Do not ask refugees whether they would like to be housed near persons that speak the same language.

Fair Housing Resources

U.S. Department of Housing and Urban Development (HUD)

in Seattle and Washington, D.C., 1-800-669-9777

FHEO HUB Office

909 1st Ave., Ste. 205, OAE
Seattle, WA 98104
(800) 877-0246 or (206) 220-5170
TDD: (206) 220-5185
FAX: (206) 220-5447

1-800-669-9777

1-800-927-9275 (TDD)

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4696 W. Overland Rd. - Suite 140 - Boise, Idaho 83705
Phone: (208) 383-0695 or Toll Free: 1-800-717-0695

www.ifhcidaho.org

Northwest Fair Housing Alliance

The Community Building
35 W. Main Ste. 250
Spokane, WA 99201
(509) 325-2665
Fax (509) 325-2716

www.nwfairhouse.org

Questions?

