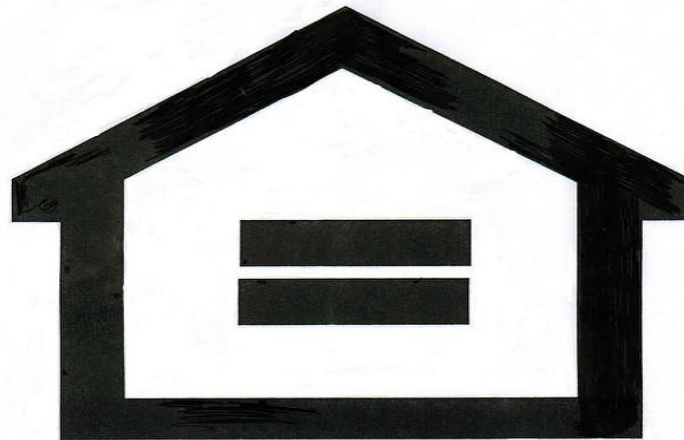


# Welcoming Immigrants and Refugees in Our Community

# FAIR HOUSING ACT



**EQUAL HOUSING  
OPPORTUNITY**

# FAIR HOUSING ACT



- prohibits discrimination:
  - in the sale, rental, and financing of dwellings, and in other-housing related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18) and disability.
  - WA state (*veteran status, sexual orientation/gender identity, and marital status*)
  - ID state

# WHAT IS NATIONAL ORIGIN

- “Laws prohibit national origin discrimination make it illegal to discriminate because of a person’s birthplace, ancestry, culture or language. This means people cannot be denied equal opportunity because they or their family are from another country, because they have a name or accent associated with a national origin group, because they participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.”



**Fair Housing**

# HOW DOES IMMIGRATION STATUS IMPACT THE FHA?

- It doesn't. Every "Person" in the U.S. is covered by the Fair Housing Act.
- "Person" includes one or more individuals, corporations, partnerships, or associations.

# REFUGEE & IMMIGRANT POPULATION IN ID AND WA



# DEFINITIONS



- **Immigrant:**

An immigrant is someone who chooses to resettle to another country. The United States has a legal process for that immigrant to seek legal residency and eventually citizenship.

- **Refugees:**

A refugee is someone who has been forced to flee his or her home country.

As such, refugees can apply for asylum in the United States, a process that could take years.

Getting refugee status isn't easy.

The applicants have to prove that if they return to their home country, they'll be injured because of race, religion, nationality, membership in a particular social group or their political opinion.

<https://www.cnn.com/2014/07/15/us/immigrant-refugee-definition/index.html>

# ID - IMMIGRANTS

- **Idaho –**

- small immigrant population ( 6 %)

- represent a greater share of the workforce

- **In 2015, 94,364 immigrants** (foreign-born individuals) 5.7 percent of the population.

- 44,478 women, 43,495 men, and 6,391 children

- **Top countries of origin for immigrants** were Mexico (53.2 percent of immigrants), Canada (4.5 percent), the Philippines (4.3 percent), China (3.6 percent), and Kuwait (2.7 percent).



# ID - REFUGEES

1,000 refugees annually

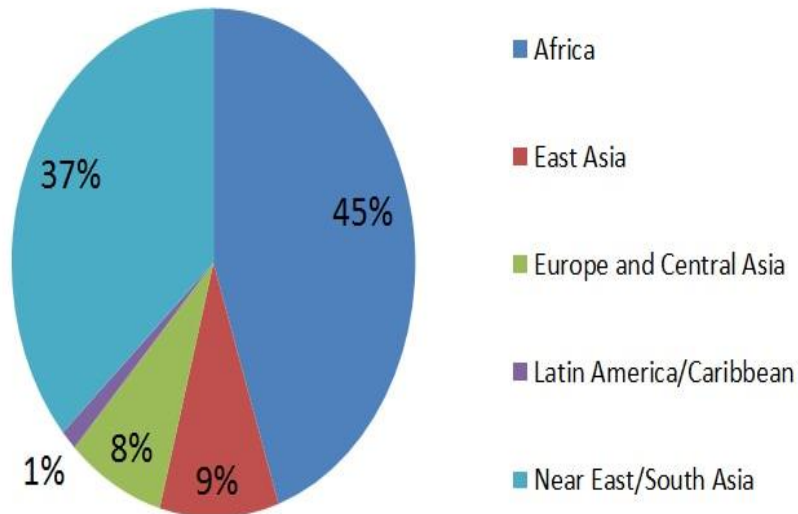
In 2015, 70% of refugee arrivals in Idaho were women and children.

African: Congo and Somalia – *Swahili, Kinyarwanda, Somali, French*

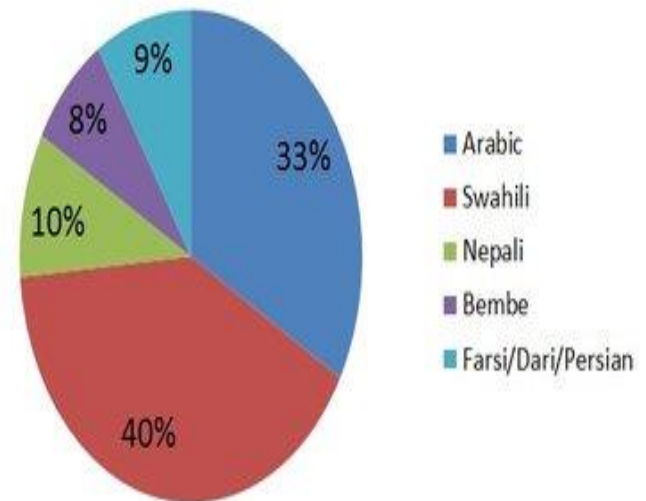
Middle eastern: *Arabic*

Russian/Uzbeki: *Russian*

Nation of Origin 2011-2016



Top 5 Languages 2016



# WA- IMMIGRANTS

## Washington

2<sup>nd</sup> state – second-highest food production nation relies on heavily on its growing immigrant population

In 2015, 980,158 immigrants (foreign-born individuals) 13.7 percent of the state's population.

474,417 women / 445,423 men/ 60,318 children.

Top countries of origin for immigrants were Mexico (24.2 percent of immigrants), the Philippines (7.4 percent), India (6.7 percent), China (6.1 percent), and Vietnam (5.2 percent).

# WA-- REFUGEES

32,898 refugees since 2003 (4.3 % total in US)

Middle East or majority Muslim countries

(Somalia 3<sup>rd</sup>/ Iraq -4<sup>th</sup> )

## From around the world

The top 20 countries of origin of refugees who have come to Washington since 2003.

### THE REST OF THE TOP 20

- 11 Vietnam
- 12 Dem. Rep. Congo
- 13 Sudan
- 14 Cuba
- 15 Belarus
- 16 Liberia
- 17 Burundi
- 18 Afghanistan
- 19 Kazakhstan
- 20 Kyrgyzstan



Source: U.S. Department of State

KELLY SHEA / THE SEATTLE TIMES

# Suggested alternative documents for screening

- Not all refugees or immigrants/international students have social security #s.
- Can't just ask people of different national origin for social security #s.
- Handout for alternative documents

LANGUAGE

# LANGUAGE

US- English is the predomination language (91%)

English is not the official language

Immigrants and refugees need to learn English to communicate survive (employment, housing, etc)



# Limited English Proficiency (LEP)

- Census bureau defines LEP as speaking English “less than very well”





# HUD'S TITLE VI & LEP GUIDELINES

- Prohibits discrimination on basis of race, color, national origin
- Is in programs & activities receiving federal financial assistance
  - Housing Authorities
  - HUD Assisted Housing Providers
  - Activities funded by Community Development Block Grants (CDGB); HOME & HOPWA programs/ USDA /RD Programs
- Executive Order 13166 August 11, 2000: Federal agencies and their recipients must provide LEP Persons meaningful access to their services

# HUD'S TITLE VI & LEP GUIDELINES

- Directs recipients of federal funding under Title VI
  - conduct a four-factor analysis;
  - decide which language services are appropriate;
  - develop a Language Access Plan (LAP); and provide language assistance.



# HUD's Title VI LEP GUIDELINES

- Four Factor Analysis
  1. Number of proportion of LEP Individuals served or encountered in the eligible service area
  2. Frequency with which LEP persons come into contact with the program
  3. The nature & importance of the program, activity, or service provided by the program; and
  4. The resources available to the grantee

# HUD's Title VI LEP GUIDELINES

Recipients no matter how small must begin by providing essential elements of LEP services including:

- Assess language used among the eligible population in the recipient's service area
- Make "I SPEAK" cards readily available
- Establish access to a translation line (Language Line)
  - Do not use minors as interpreters; best to use a professional over friends
- Make online information accessible to LEP persons

# LEP AND TITLE VI LEP GUIDELINES

- Link between the denial of meaningful language access and national origin discrimination under Title VI established in *Lau v. Nichols*, 414 U.S. 563 (1974)



# VITAL INFORMATION FOR LEP POP.

Leases

Consent/complaint forms

Tenant rules

Recertification forms

Briefing packets

Eviction/termination notices

Intake forms

Hearing notices

HUD Tenancy Addendum

Section 8 opt-out notices to tenants

Notices detailing rights, or the loss/denial/decrease in benefits or services

Notices informing LEP persons that free language assistance is available

Ensuring that LEP communities are meaningfully involved in the community participation process

Interpretation is provided at public meetings and hearings

# Language Tips

- If not federally funded, options could be to have a local interpreter or use google translate (not the best option 80% is correct).
- Provide information in writing
  - Tenants can seek help from organizations, teachers, churches/mosques...

# Mapping Tool

- HUD's new AFFH Data and Mapping Tool provides easily accessible information about LEP populations and where these communities live.
- Link: <http://egis.hud.gov/affht/#>
  - ❑ Map 4 shows the distribution of LEP communities within a particular jurisdiction/region.
  - ❑ Observations
  - ❑ Map 4 only shows the five most commonly spoken languages in the jurisdiction/region
  - ❑ Maps geared toward jurisdictions that directly receive HUD funds
  - ❑ State and housing authority maps not yet available, but will be



# LEP FAIR HOUSING CASES

## Recent agreements to settle Title VI complaints:

### **Hazleton (PA) Housing Authority (2015)**

Agreement to settle allegations that the housing authority, despite having a language access plan, was not providing interpreters/ providing language assistance to LEP program participants and applicants

### **Housing Authority of Independence, MO (2015)**

Agreement to settle issues of Title VI noncompliance discovered during HUD audit

### **State of Nebraska (2014)**

Agreement to address finding that state had not monitored its sub recipients for Title VI compliance

# LEP FAIR HOUSING CASES

- **Page Edmunds III (2015)**

Discrimination charge by HUD where landlord allegedly did not want to rent to tenant he perceived to be LEP DOJ filed suit in federal court (United States v. Page Edmunds III)

- **Virginia Realty Co. of Tidewater (2013)**

Agreements to settle HUD administrative complaints alleging national origin discrimination where private landlord had written policy requiring applicants to communicate in English without assistance " Agreements with HUD and an LEP individual

- **Cabrera v. Alvarez, 977 F. Supp. 2d 969 (N.D. Cal. 2013)** Court denied motion to dismiss on intentional discrimination claim under the FHA in case where landlord allegedly failed to provide translation and interpretation and allegedly told plaintiff to "learn English." However, court granted motion to dismiss on FHA disparate impact claim.

# HARRASSMENT

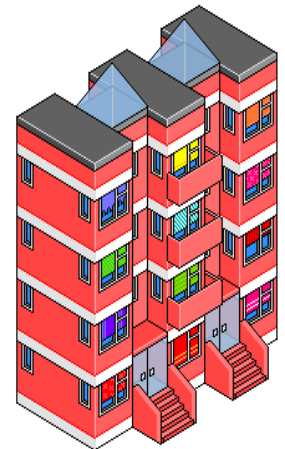
Do you know who these guys are?



*Gavin Wright (from left), Patrick Stein and Curtis Allen*



“Three members of an antigovernment “Patriot” group called the Kansas Security Force were arrested as they allegedly finalized plans to blow up an apartment complex housing more than 100 mostly Somali-born Muslim immigrants and a small mosque.” - *Southern Poverty Law Center*



# ACTIVE HATE GROUPS

in the United States in 2016



**917**  
ACTIVE HATE GROUPS

●	KU KLUX KLAN	130
⦿	NEO-NAZI	99
●	WHITE NATIONALIST	100
●	RACIST SKINHEAD	78
●	CHRISTIAN IDENTITY	21
✕	NEO-CONFEDERATE	43
★	BLACK SEPARATIST	193
▼	ANTI-LGBT	52
●	ANTI-MUSLIM	101
⦿	GENERAL HATE	100

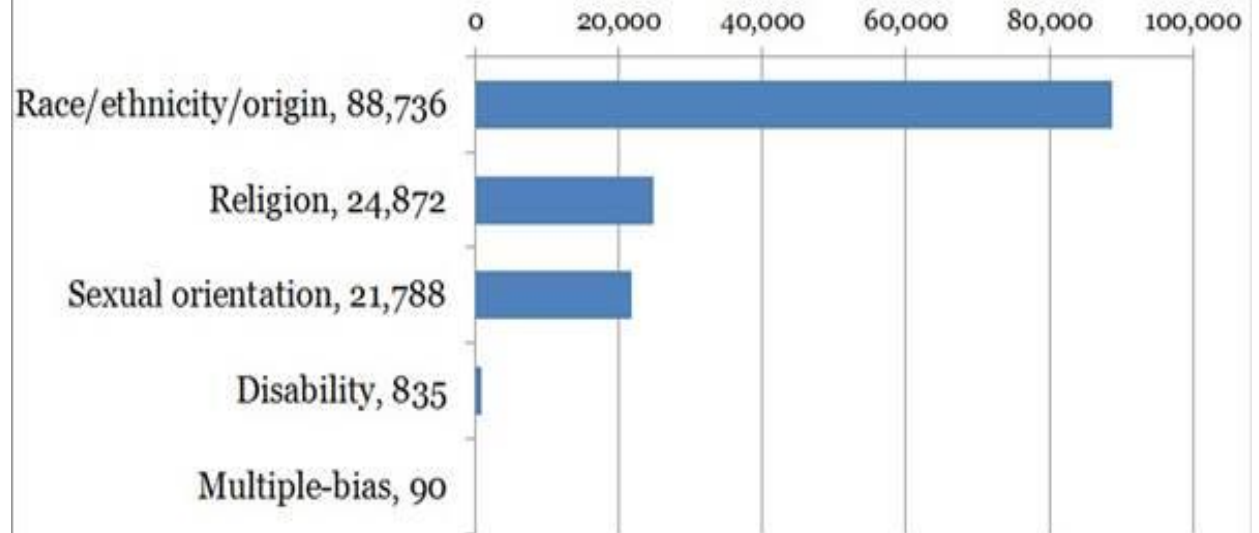


# 1995-2012

## Hate Crimes

### Type of incidents of hate crime in U.S. 1995-2012

Source: FBI Uniform Crime Reports

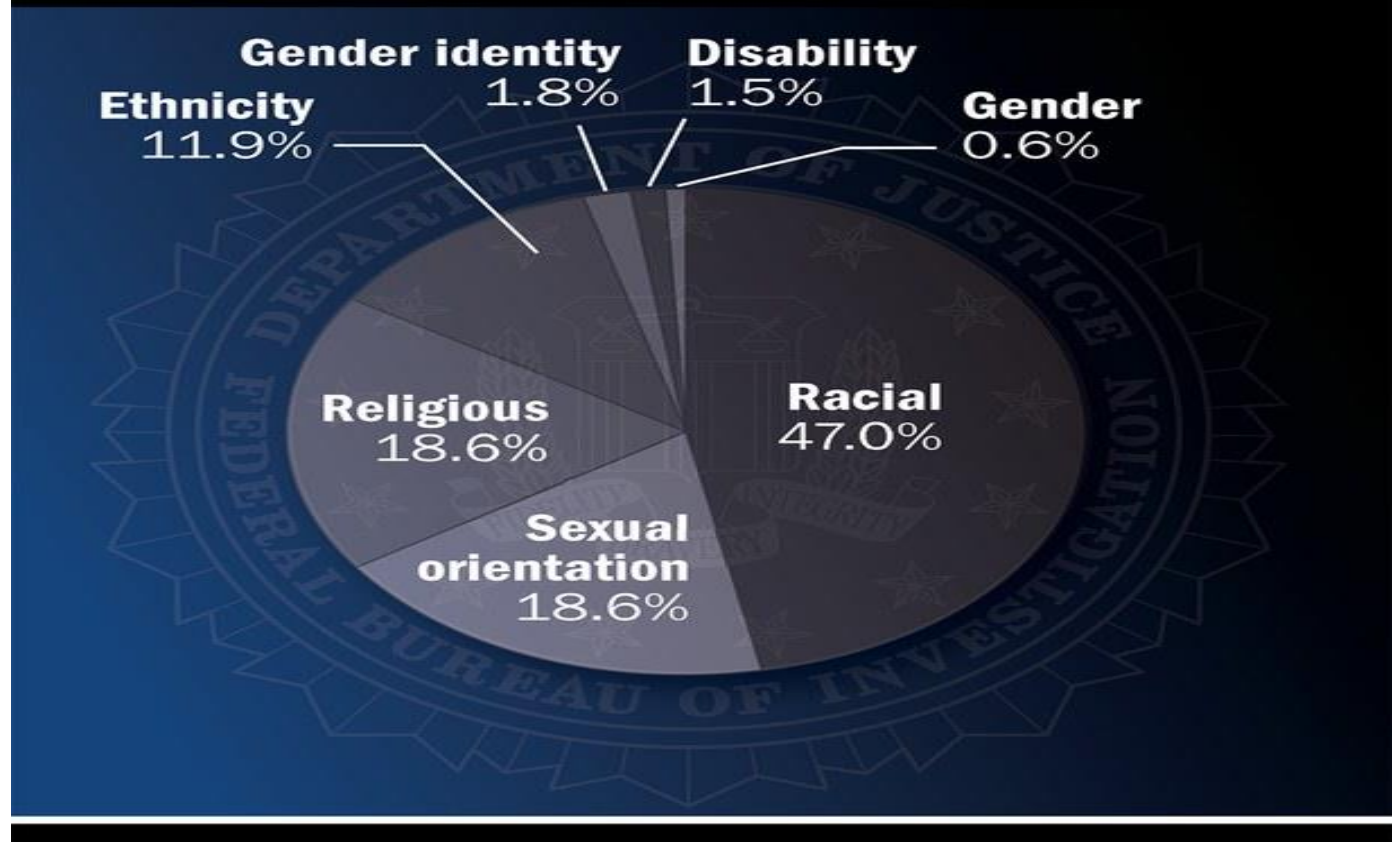


# 2014 report by the FBI

## 6,727 victims

### Bias Breakdown

Analysis of the 5,462 single-bias incidents reported by law enforcement during 2014 revealed the following biases:







- 2015 a total of 5,850 of them were recorded by the FBI.
- Hate crimes against Muslims in the United States jumped after the September 11, 2001 attacks and remain high.

Before 9/11	After 9/11
20-30 per year	100-150 per year

- Anti-Semitic crimes in the US consistently ranked higher than anti-Muslim crimes. In 2013, anti-Jewish crimes made up about 60 percent of religious-bias crimes in the US.
- The Southern Poverty Law Center **counted 867 cases of hateful harassment or intimidation** in the United States in the 10 days after the November 8 election.

# Fair Housing and Harassment

Discriminatory harassment and intimidation are violations of the fair housing laws and are specifically prohibited. Harassment and intimidation include abusive, foul or threatening language or behavior. All staff shall model appropriate non-discriminatory behavior and strive to cultivate and maintain a living environment that is free from discriminatory harassment or intimidation. All staff shall be trained in detecting and addressing discriminatory harassment or intimidation.

# Tenant on Tenant Harassment

- Under the Fair Housing laws, “Discriminatory Harassment or Intimidation” includes abusive foul or threatening language or behavior directed at a person (tenant, staff person, or guest) because of a protected class.



# Harassment Policy

- It is the policy of **ABC Apartments** that harassment or intimidation of a tenant, staff person, or guest because of the person's **race, color, national origin, religion, sex, disability, familial status**, marital status, sexual orientation, veteran status will not be tolerated and could be grounds for termination of tenancy.



# Procedures

- If you are unable to verify a violation of the policy following the investigation:
  - **Document** the complaint and results of the investigation in both the complaining party's and alleged harasser's files.
  - **Remind each individual alleged to have engaged in discriminatory harassment about management's serious commitment** to a housing environment free of harassment and that retaliation against the complaining party will not be tolerated.
  - **Promptly inform the complaining party** of the results of the investigation and the actions taken.
  - For ongoing tenant conflict that cannot be verified as motivated by discrimination, **staff may wish to refer tenants** to the local Dispute Resolution Center or other local mediation services, or hire outside consultant/mediator.



# DIFFERENT TERMS AND CONDITIONS/STEERING

# DIFFERENT TERMS AND CONDITIONS

- Renting to immigrants and refugees but requiring them to pay for repairs (just \$25 a repair)
- Not providing paperwork
- Asking immigrants and refugees for social security #s
- Not talking to them about amenities
- Higher incidents of housing providers keeping security deposits and charging for damages upon move out
- Harsher rules placed on families; and less flexibility regarding the Keating memo (take stronger stance on 2 people per room).

# Keating Memo

The [“Keating memorandum”](#) is a 1991 internal memorandum from former HUD General Counsel Frank Keating and adopted by HUD to provide guidance in assessing occupancy standards. The [National Fair Housing Advocate](#) online describes the memo

“The Keating Memo states that an occupancy standard of two persons per bedroom will generally be considered reasonable under the Fair Housing Act.

the size and design of rooms and units, the ages of a family’s children, and the state and local ordinances dealing with occupancy in the Locality



# STEERING

- Steering immigrant and refugees to a certain area, or certain buildings(sales/rental)
- Could possibly be well-intended “be more comfortable with those of own language + culture”
- Discriminatory – segregating

# QUESTIONS?



- Please write down your question on the sheet and the facilitator will bring it to us to restate and answer. 😊

Thank you



# Contact Information

- Northwest Fair Housing Alliance  
509-325-2665  
[www.nwfairhouse.org](http://www.nwfairhouse.org)
- Intermountain Fair Housing Council  
208-383-0695  
[ifhcidaho.org](http://ifhcidaho.org)