



Manufactured
Housing Institute

January 2018

Fair Housing Update

HUD Extends Deadline on AFFH Compliance for Cities

Secretary of Housing and Urban Development (HUD) Ben Carson has filed a Notice in the Federal Register rolling back the deadline for cities and counties to comply with the Obama-era rule known as Affirmatively Furthering Fair Housing (AFFH).

Two years ago, HUD finalized its AFFH Rule, which replaced the Analysis of Impediments process and requires local governments to take affirmative steps to assess federal Fair Housing Act compliance within their geographic jurisdictions.

Failure to do so could result in the community forfeiting certain block-funding from HUD. Under the Rule, program participants must conduct an Assessment of Fair Housing (AFH) using an Assessment Tool. The Rule also provided for a staggered AFH submission deadline for program participants.

As the original rule had to be

complied with by October 2020, most communities were dealing with fair housing compliance as part of their normal planning cycles. The January 5, 2018, Notice extends the compliance deadline for local governments to submit their AFFH plans until their next AFH submission

deadline that falls after October 31, 2020 (a date that varies from jurisdiction to jurisdiction based upon rolling compliance dates). The extension applies to local jurisdictions that have not yet submitted AFH plans that have received HUD approval.

This Notice does not impact MHI's efforts to assist state associations in holding local jurisdictions accountable for land use planning actions that might violate the Fair Housing Act.



Time to Review Your Fair Housing Policies!

Everyone in the business of manufactured homes should have written fair housing policies. Such policies not only reduce the risk of suffering the financial loss due to a fair housing claim, but having them in place is simply good business practice.

A good set of policies informs employees of the organization's commitment to fair housing and sets the expectations as to how they should conduct themselves accordingly. Additionally, it sets a standard in your organization that all applicants and residents are treated consistently.

An organization's fair housing policy doesn't have to be long. It should be clear, concise and include the protected classes in all relevant laws (federal, state, and local). In addition to listing the basic protected classes, the policy should include directions on how to file a complaint.

Give a copy of your fair housing policies to all employees (not just those in the front office). Training is the key to compliance. Then, actively manage your employees' behavior relative to fair housing.

Edited from a HUD Press Release dated 12/14/17

**HUD REACHES FAIR HOUSING AGREEMENT WITH BAY AREA LANDLORD AND MANAGER,
SETTLING DISABILITY DISCRIMINATION COMPLAINTS**

WASHINGTON - The U.S. Department of Housing and Urban Development (HUD) announced today that it reached a Conciliation Agreement with the owner and property manager of Shadowbrook Gardens Senior Townhomes in Morgan Hill, California, a city in Santa Clara County, resolving allegations that they discriminated against a resident with disabilities. Read the Conciliation Agreement.

The Fair Housing Act prohibits discrimination in the sale or rental of a dwelling because of disability, including prohibiting residents from having live-in assistance and refusing to make reasonable accommodations in policies or practices when a person with a disability requires such an accommodation.

"Residents with disabilities have the right to reasonable accommodations that allow them to use and enjoy their home, without unnecessary and invasive questioning," said Anna María Farías, HUD's Assistant Secretary for Fair Housing and Equal Opportunity. "HUD will continue to work with housing providers to ensure they meet their obligation to comply with national fair housing laws."

The agreement resolves a complaint brought by a resident with a mobility impairment alleging that the owner and property manager of Shadowbrook Gardens discriminated against her because of her disability. According to the complaint, she requested to have a live-in aide and a key to a locked gate near her unit that would make it easier for her to come and go. In both instances, the owner and property manager allegedly asked her intrusive questions about her disability, challenged whether she really had a disability, asserted that the development was for individuals who could live independently, and ultimately denied her requests. The nonprofit group Project Sentinel, a HUD Fair Housing Initiatives Program agency, assisted the resident with filing her complaint and later filed its own complaint.

Under the terms of the Conciliation Agreement, the owner and property manager will pay \$4,000 to the resident and \$7,000 to Project Sentinel, which will use the money to further its fair housing mission. The agreement also requires the owner to keep the gate near the resident's unit unlocked or provide her with a key; allows the resident to have a live-in caregiver; and requires the owner and property manager to obtain fair housing training and implement a reasonable accommodation policy that complies with the Fair Housing Act.



**EQUAL HOUSING
OPPORTUNITY**

**For more information, questions, or to
get copies of past Updates, contact
MHI's General Counsel, Rick Robinson.
at rrobinson@mfghome.org.**



**EQUAL HOUSING
OPPORTUNITY**