

HUD Issues New Rule and Guidance on Fair Housing

FROM HUD's PRESS RELEASE

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WASHINGTON - The U.S. Department of Housing and Urban Development announced today that it is publishing a final rule formalizing legal standards under the Fair Housing Act for sexual and other forms of harassment in housing. In addition, HUD is issuing Fair Housing Act guidance on local 'nuisance ordinances' that may lead to housing discrimination against survivors of domestic violence and other persons in need of emergency services.

HUD is issuing its Nuisance Guidance as the country marks the 22nd anniversary of the Violence Against Women's Act (VAWA). Through the VAWA 2013 reauthorization, protections have been expanded to nearly all HUD programs. Previously, only residents of public housing and Section 8 tenant-based and project-based programs were covered.

The Nuisance Ordinance Guidance addresses ordinances that penalize residents for 911 calls to police, even when a person is in need of protection from domestic violence or another crime. Nuisance ordinances often require or

allow landlords to evict residents in such circumstances, thereby discouraging victims from reporting domestic abuse or other crimes and obtaining the emergency police and medical assistance they need.

HUD's final Harassment Rule is titled Quid Pro Quo and Hostile Environment Harassment and Liability for Discriminatory Housing Practices under the Fair Housing Act. HUD and courts have long held that harassment in housing or housing-related transactions on the basis of race, color, national origin, religion, sex, disability, and familial status is prohibited under the Fair Housing Act. The final rule specifies how HUD will evaluate claims of "hostile environment" and "quid pro quo" harassment in both private and publicly-assisted housing.

HUD's Guidance on Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances Against Victims of Domestic Violence, Other Crime Victims, and Others Who Require Police or Emergency Services is intended to inform state and local governments, as well as private and public housing providers, (continued on back page)



HUD's Guidance on Nuisance Ordinances

allow landlords to evict residents in such circumstances, thereby discouraging victims from reporting domestic abuse or other crimes and obtaining the emergency police and medical assistance they need.

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as to how HUD will assess nuisance or crime-free housing ordinances, policies, or practices alleged to be discriminatory under the Fair Housing Act.

These local ordinances may be used to evict domestic violence survivors and others who seek police or emergency assistance.

"On the 22nd anniversary of the Violence Against Women Act, HUD makes it clear that no one should have to choose between calling 9-1-1 and being evicted," said HUD Secretary Julián Castro. "A home should be a sanctuary where everyone can live without the threat of violence or harassment. The actions we take today will work together to protect the housing rights of victims of harassment and survivors of domestic violence."

Harassment in housing threatens a resident's safety and privacy in her own home. In HUD's experience enforcing the Fair Housing Act, low-income women—often racial and ethnic minorities and persons with disabilities—may be particularly vulnerable to sexual harassment in housing. HUD's final rule on harassment in housing includes:

Formal uniform standards for evaluating claims of hostile environment and quid pro quo harassment in the housing context.

Quid Pro Quo Harassment involves subjecting a person to an unwelcome request or demand and making submission to the request or demand a condition related to the person's housing.

Hostile Environment Harassment involves subjecting a person to unwelcome conduct that is sufficiently severe or pervasive such that it interferes with or deprives the person of the right to use and enjoy the housing.

Clarification as to when housing providers and other covered entities or individuals may be held directly or vicariously liable under the Fair Housing Act for illegal harassment or other discriminatory housing practices.

HUD aggressively pursues violations involving harassment in housing, including, most recently, charging St. Louis landlords with sexual harassment against a female tenant. The U.S. Department of Justice has filed a lawsuit against these landlords.

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

