



MIAMI VALLEY FAIR HOUSING CENTER NEWSLETTER

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JIM MCCARTHY, PRESIDENT/CEO

Join Us on April 4th to Celebrate Fair Housing Month

This year marks the 45th anniversary of the signing of the Fair Housing Act by President Johnson. Join the Miami Valley Fair Housing Center in celebrating Fair Housing Month on Thursday, April 4, 2013 at the Sinclair Conference Center, 444 W. Third Street, Dayton, Ohio.

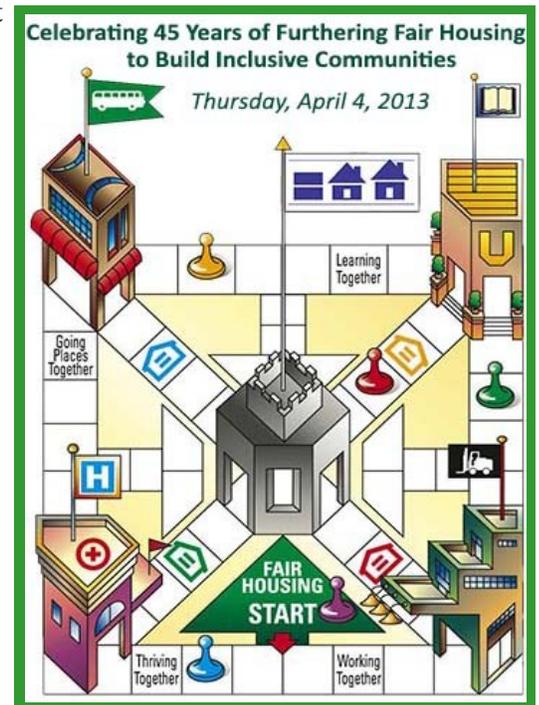
Workshop registration begins at 8:00 a.m. and the workshops will begin promptly at 8:30 a.m. [Click here to register online.](#)

The Workshops:

- Avoiding Fair Housing Road Kill™ with Terry Watson
- Fair Housing, Disability Awareness, Accessibility, and Visitability for REALTORS®
- Utilizing Community-Police Relations to Foster Inviting, Livable Neighborhoods, Free from Housing Discrimination

Note: All three workshops are approved for civil rights or elective continuing education credit by the Ohio Department of Commerce, Division of Real Estate and Professional Licensing.

The Luncheon is from 11:45 a.m. to 2:00 p.m. and will feature Keynote Speaker Jim Carr (see below) and the presentation of the Marie Kindrick Fair Housing Awards.



Jim Carr to be Keynote Speaker at Fair Housing Luncheon



Mr. Jim Carr is a housing finance, banking and urban investment expert and Senior Policy Fellow with the Opportunity Agenda. Mr. Carr has served as Senior Vice President for Financial Innovation, Planning and Research for the Fannie Mae Foundation and Assistant Director for Tax Policy with the U.S. Senate Budget Committee.

He has more than 20 years of research and policy experience including extensive presentations and publications, Congressional Testimony, TV and radio appearances, and international consulting.

Among his many publications, Mr. Carr is noted for co-authoring the book *Segregation: The Rising Costs for America*. Mr. Carr holds a Bachelor of Architecture degree with honors from Hampton University, a Master of Urban Planning degree from Columbia University, and a Master of City and Regional Planning degree from the University of Pennsylvania.

MVFHC Praises New HUD Rule Clarifying How Disparate Impact in Housing-related Transactions is Prohibited by the Fair Housing Act

The Miami Valley Fair Housing Center (MVFHC) welcomes a new rule issued February 8, 2013 by the [U.S. Department of Housing and Urban Development](#) (HUD) formalizing a national standard for determining whether housing-related policies having a disparate impact are discriminatory and prohibited by the [Fair Housing Act](#).

“Through the issuance of this rule, HUD is reaffirming its commitment to enforcing the Fair Housing Act in a consistent and uniform manner,” said HUD Secretary Shaun Donovan. “This will ensure the continued strength of one of the most important tools for exposing and ending housing discrimination.”

HUD, statutorily charged with responsibility for interpreting and enforcing the Fair Housing Act, has long interpreted the Act to prohibit housing practices with an unjustified discriminatory effect, if those practices actually or predictably result in a disparate impact on a protected class.

The rule allows complaints to be filed under the Act if a group can show a “discriminatory effect” or that a protected class was disparately impacted by the alleged illegal practices. In other words, no actual intent to discriminate is needed as long as the disparate impact can be shown. The rule also makes clear that housing-related transactions such as home loans and homeowners insurance are covered by the Act.

The rule does not change decades-old substantive law articulated by HUD and the courts. It adds no additional costs to housing providers and others engaged in housing transactions. Rather, the rule will simplify compliance with the Fair Housing Act’s discriminatory effects standard and will decrease litigation.

“We are pleased that HUD has issued this new rule,” said Jim McCarthy, MVFHC’s President/CEO. “Making sure that people are treated equally in all housing transactions, including lending and insurance, helps our mission of ensuring equal housing opportunity for all people in our region.”

How is disparate impact a part of the Fair Housing Act? The Fair Housing Act prohibits both intentional discriminatory acts *and* facially “neutral” policies that may limit housing opportunities based on race, color, national origin, religion, or sex, or for families with children and people with disabilities. Any policy that has a discriminatory effect on a protected class must be changed so that it is both *fair* and *effective*, unless no other policy can achieve the same legitimate goal with a less discriminatory effect.

At a recent conference on housing issues, Sara Pratt, HUD’s chief of enforcement, explained the importance of the disparate impact standard for ensuring fair housing, saying that while overt discrimination has lessened, discrimination still occurs. “Landlords, housing professionals, and zoning and planning boards have learned to stop talking about it,” Pratt said. “What they haven’t learned is to stop doing it.”

Although the principle of disparate impact is not directly mentioned in the Fair Housing Act, it has been recognized by 11 circuit courts as a legally acceptable means by which parties can make claims under the Act. By creating a framework to root out not just intentional discrimination but also seemingly “neutral” policies, the Fair Housing Act enables HUD, state and local agencies, and private fair housing organizations to continue to address systemic housing discrimination and segregation in the United States.

What are some policies that have a disparate impact?

- Families with children: A mobile home park charges rent by the head, making it more expensive to rent for families with children. Instead, the landlord could charge by the size of the unit.
- Disabled veterans: An apartment complex allows only people with full-time jobs, thus barring disabled veterans who cannot work—even if they can afford to pay the rent. The complex could instead consider all income to assess a potential tenant’s ability to pay.

The disparate impact standard strengthens our communities and our nation. Implementing the disparate impact rule helps us maintain open markets free from discrimination—a critical component to the prosperity of America’s future. Discrimination disrupts our economy, causing inefficiency and instability by constraining the full economic participation of all hard-working Americans.

The final rule as sent to the Federal Register for publication is available [on HUD’s website](#) (Acrobat PDF).

Design and Construction Requirements of the Federal Fair Housing Law

In 1988, Congress added design and construction requirements to the Fair Housing Act. The requirements mandated that "new multi-family housing" (buildings with four or more single-floor units) had to be designed and constructed with certain accessible features:

- Units must have an accessible entrance and must be on an accessible route;
- Public and common-use areas must be accessible;
- The doors within units must be usable doors;
- There must be an accessible route into and through the unit;
- Light switches, electrical outlets and environmental controls must be accessible;
- Bathrooms must have reinforced walls; and
- Kitchens and bathrooms must be usable. In buildings without elevators only first floor units need to comply. In buildings with elevators every unit must comply.

If you are a contractor and plan on constructing a building that meets this definition, be sure and develop your plans with these features in mind that allow wheelchair users access to your new building.

Need more information? You can call the Miami Valley Fair Housing Center at 937-223-6035 or visit us on the web at www.mvfairhousing.com.

Mark your calendars
for these
UPCOMING EVENTS!



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| April 4 | Fair Housing Month Celebration - see story on page 1 |
| April 20 | Celebrating Life and Health Fair held Sinclair's Ponitz Center from 10:00 a.m. to 3:00 p.m. |
| April 24 | Greater Dayton Apartment Association Trade Show |
| April 25 | Dayton Hispanic Chamber EXPO/Job Fair at Wright State University Nutter Center from 5:00 p.m. to 7:30 p.m. |
| May 5 | Walk for Women's Wellness held at Delco Park in Kettering. Walk begins at 2:00 p.m. |

MVFHC Mission Statement

The mission of the Miami Valley Fair Housing Center (MVFHC) is to eliminate housing discrimination and ensure equal housing opportunity for all people in our region.

Specifically, the Miami Valley Fair Housing Center seeks to eliminate housing discrimination against all persons because of race, color, religion, national origin, sex, disability, familial status, or any other characteristic protected under state or local laws. In furthering this goal, MVFHC engages in activities designed to encourage fair housing practices through educational efforts; assists person who believe they have been victims of housing discrimination; identifies barriers to fair housing in order to help counteract and eliminate discriminatory housing practices; works with elected and government representatives to protect and improve fair housing laws; and takes all appropriate and necessary action to ensure that fair housing laws are properly and fairly enforced throughout the Miami Valley.

MVFHC Vision Statement

The Miami Valley Fair Housing Center recognizes the importance of "home" as a component of the American dream. We envision a country free of housing discrimination where every individual, group and community enjoys equal housing opportunity and access in a bias-free and open housing market. We envision a country where integrated neighborhoods are the norm, and private and public sectors guarantee civil rights in an open and barrier-free community committed to healing the history of discrimination in America.

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