

FAIR HOUSING TRAINING
NYS PHADA CONFERENCE

Fair Housing Law Basics

- Review of the Federal Fair Housing Act and New York State Human Rights Law
- Discussion of Local laws
- Covered Persons/Protected Classes overview
- Exemptions
- Discriminatory Practices
- Disparate Impact analysis
- Testers
- Filing complaints
- FHA

Fair Housing Affirmative Marketing Plans and Implementations Review

- Requirement under FHA for all applicants for participation in Federal Housing Agency (FHA) subsidized and unsubsidized multifamily housing programs with five or more units (24 CFR §200.615) must complete an Affirmative Fair Housing Marketing Plan (AFHMP)
- Purpose of Plan
- How to determine demographics
- Marketing and outreach
- Timeframes and record keeping
- Exception

Reasonable Accommodations and Modifications Request

- Guidance on Reasonable Accommodations (May 17, 2004) and Reasonable Modifications (March 5, 2008)
- What is the difference?
- How to document and process a reasonable accommodation request
- Section 504 of the Rehabilitation Act
- American with Disabilities Act (ADA)
- Design and Construction Requirements
- Some examples
 - Hoarding
 - Reserved parking spots
 - Grab bars
 - Live-in aides

Violence Against Women Act (VAWA)

- What is VAWA and what is its purpose
- HUD Final VAWA Rule
- VAWA 2013
- Required VAWA forms for all covered housing programs
- Who is a covered person and how to document
- Lease bifurcation
- Emergency transfer plans

Limited English Proficiency and Language Access Plans

- LEP definition
- Executive Order 13166, signed by President Clinton on August 11, 2000
- HUD Guidance (January 21, 2007)
- Four-factor analysis
- Eligible Service Population
- Language Access Plan

Assistance Animals

- January 2020 updated HUD Guidance
- Difference between a service dog and an emotional assistance animal
- ADA, Section 504 and Air Carriers Act
- Assessing the Individual's Request
- Internet documentation
- Acceptance or Denial
- Insurance concerns
- Animal Responsibility Addendum use

Criminal Background Checks

- HUD Guidance (April 4, 2016)
- Disparate Impact test
- How to approach using criminal history

Source of Income

- New York Human Rights Law amended April 12, 2019 to include this as a protected class
- Overview of lawful source of income
- Advertisement concerns
- Can you ask about income?
- Resident selection criteria and use of wealth or income requirements
- Use of credit score/credit history

- Security deposit concerns

Occupancy limits

- Keating memo overview from 1991, adopted by HUD in 1998
- Familial status concerns- how to count children and pregnant women
- How to evaluate or set a reasonable occupancy standard

Smoke-free housing and marijuana

- How to create a smoke-free property
- Use of marijuana in HUD subsidized properties
- HUD memo (December 29, 2014) use of marijuana in multifamily properties

Fair Housing for Maintenance Staff

- First come, first served and emergency overview
- Traps and Pitfalls
- Reporting necessity
- Treating Tenants the same
- Cultural sensitivities
- Sexual harassment

Hour question and answer