



Module 3.2 Study Guide

HUD Housing Counselors Training



U.S. Department of Housing and
Urban Development

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MODULE 3.2 FAIR HOUSING/VIOLATIONS AND COMPLAINTS

MODULE INTRODUCTION

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Housing counselors have a responsibility to understand the Fair Housing Act, to be able to recognize signs and evidence of potential housing discrimination, and to promote client awareness about fair housing requirements.

Housing counselors should be able to give clients information on how to file a fair housing complaint through HUD or through state and local programs that handle such complaints.

To work with clients seeking housing, housing counselors need to understand what “affirmatively furthering fair housing” means and participate in housing counseling agency efforts to do so.

Before we begin, let’s take a look at the module learning objectives.

LESSON OBJECTIVES

By the end of this module, you will be able to:

1. Identify state and local resources for fair housing enforcement available to clients confronted with a fair housing violation.
2. Demonstrate how to report a violation of fair housing laws or requirements to empower a client to file a complaint.
3. Comprehend common obstacles to fair housing to identify signs or evidence of housing discrimination and develop a marketing plan to address impediments.
4. Employ methods to promote a client’s awareness of fair housing and apply knowledge of the rules for the commitment of housing counseling agencies to affirmatively further fair housing.

EVIDENCE OF FAIR HOUSING VIOLATIONS

HOUSING COUNSELING SESSION

Recall from Module 3.1 that we looked at ways housing counselors can help clients comprehend the history of housing discrimination, key provisions of the Fair Housing Act, and basic terms and concepts necessary for identifying potential violations of fair housing law.

In Module 3.1 you met Luis, an experienced housing counselor, and his clients, Shereen and Ibrahim. Shereen and Ibrahim had looked at many apartments and were interested in renting a unit in an apartment complex where, according to a friend, the owner has never permitted non-Christians to rent. Luis recognized there may be reason to believe that Shereen and Ibrahim would be discriminated against if they submitted an application to rent in this complex. So, he informed Shereen and Ibrahim of their fair housing rights, including their right to file a fair housing complaint.

Let's begin this module by observing the remainder of Luis' fair housing counseling session with Shereen and Ibrahim. In it, you'll see how Luis:

- Explains the process of filing a complaint for a violation of fair housing laws or requirements.
- Identifies state and local resources available to assist his clients to file the complaint.
- Describes the process that occurs after a fair housing complaint is filed.
- Helps his clients understand what "affirmatively furthering fair housing" means.



Two clients, Shereen and Ibrahim

Let's look in on their session.

IBRAHIM. Luis, it has been very reassuring to learn that there is something we can do to prevent discrimination as we search for housing. I would like to file a fair housing complaint; however, how can I be certain our complaint will actually be addressed soon enough? We would really like to move into a new rental *this* year. I wonder if we can be certain that our complaint will be addressed at all. I am sure there are many complaints submitted, which probably will have more evidence than we have.

LUIS. You can be confident that your complaint will be reviewed in a timely manner. There is a specific process that occurs after each complaint is filed. Each step of the process has a certain timetable. You can even follow up with the agency that you submit your complaint through to make sure the process is proceeding as it should.

IBRAHIM. Okay. So how do we submit a complaint?

LUIS. Well, first you'll need to decide to which agency you'd like to submit your complaint. You can submit it directly through the U.S. Department of Housing and Urban Development, through a state or local fair housing agency, or with the aid of a nonprofit fair housing organization.

LOCAL FAIR HOUSING RESOURCES

LOCAL FAIR HOUSING RESOURCES

Luis then describes the federal, state, and local resources that can assist individuals to file a complaint. Let's learn more about them and how to contact them.

HUD Office of Fair Housing and Equal Opportunity

A person may choose to file a complaint directly through the HUD Office of Fair Housing and Equal Opportunity, or FHEO. Specialists at the HUD regional offices are available to answer any questions about the process.

For a list of HUD regional offices, go to [hud.gov](https://www.hud.gov). In the search bar, type in the key words "Fair Housing Regional Offices" and select the appropriate link.

Nonprofit Fair Housing Organization

A person may decide to file a complaint with the help of a nonprofit fair housing organization. HUD's **Fair Housing Initiatives Program, or FHIP**, provides funding to fair housing organizations and nonprofits that assist people who may have been victims of housing discrimination. Organizations in the FHIP program typically carry out the following duties:

- Partner with HUD to help people identify government agencies that handle complaints of housing discrimination.
- Assist aggrieved individuals in filing a fair housing complaint.
- Conduct preliminary investigations of claims, including sending **testers** to properties suspected of practicing housing discrimination.

State or Local Fair Housing Agency

An individual or group may also choose to file a complaint through a state or local fair housing agency.

Fair Housing Initiatives Program, or FHIP

Provides funding to fair housing organizations and nonprofits that assist people who may have been victims of housing discrimination.

Testers

Individuals who, without any bona fide intent to rent or purchase a home, apartment, or other dwelling, pose as prospective buyers or renters of real estate for the purpose of gathering information. This information may indicate whether a housing provider is complying with fair housing laws.

The right to fair housing is guaranteed not only by the Fair Housing Act, but also by state and local laws. Congress envisioned that states and localities would adopt their own fair housing laws modeled on the Fair Housing Act. Thus, many states and municipalities extend additional protections to individuals beyond the seven protections provided by the Fair Housing Act. Examples of these additional protections include sexual orientation, gender identity, source of income, and marital status.

HUD's **Fair Housing Assistance Program, or FHAP**, provides funding to state and local agencies that enforce these additional fair housing protections, as long as the protections are substantially equivalent to the Fair Housing Act. These funds go toward an agency's capacity building, administrative costs, investigative and enforcement efforts, training, and other projects designed to support enforcement of fair housing laws.

A person who believes that she or he is a victim of housing discrimination may contact the FHAP agency in the state or locality where the alleged discrimination occurred for help. HUD may also refer individuals to the state agency.

For a list of FHAPs in your state, go to [hud.gov](https://www.hud.gov). In the search bar, type in key words "[FHAP Agencies](#)" and select the appropriate link.

Fair Housing Assistance Program, or FHAP

Provides funding to state and local agencies that enforce these additional fair housing protections, as long as the protections are substantially equivalent to the Fair Housing Act.

Counselors who are knowledgeable about the additional fair housing protections provided by their state can better inform clients of their rights. In order to learn about these additional protections, counselors can contact the state civil rights bureau and local FHAP.

KNOWLEDGE CHECK 1

Which HUD program provides annual funding to state and local agencies that enforce fair housing laws that are substantially equivalent to the Fair Housing Act? These funds go toward an agency's capacity building, administrative costs, investigative and enforcement efforts, training, and other projects designed to support enforcement of fair housing laws.

- A. Fair Housing Initiatives Program (FHIP)
- B. Fair Housing Assistance Program (FHAP)

KNOWLEDGE CHECK 2

Which HUD program provides funding to fair housing organizations and nonprofits that assist people who may have been victims of housing discrimination?

- A. Fair Housing Initiatives Program (FHIP)
- B. Fair Housing Assistance Program (FHAP)

FILING A COMPLAINT

FILING A COMPLAINT

Let's return to the counseling session where Luis continues to describe the process of filing a complaint for a violation of fair housing laws or requirements.

LUIS. I'll give you the contact information for the state, local, and nonprofit agencies in our area. Then, you can select an agency to file a complaint, or you can go directly through HUD. It is important that you do not file the same complaint through more than one agency though.

SHEREEN. Does the cost or process for filing a complaint differ depending on the agency that we apply through?

LUIS. There are never associated fees for filing, and the process is equivalent no matter which agency you select to apply through. Most agencies will permit you to file by phone, mail, online, or during an in-person appointment. If you file through HUD, you can also file using their fair housing mobile application.

You'll likely be asked to provide the agency with the following information:

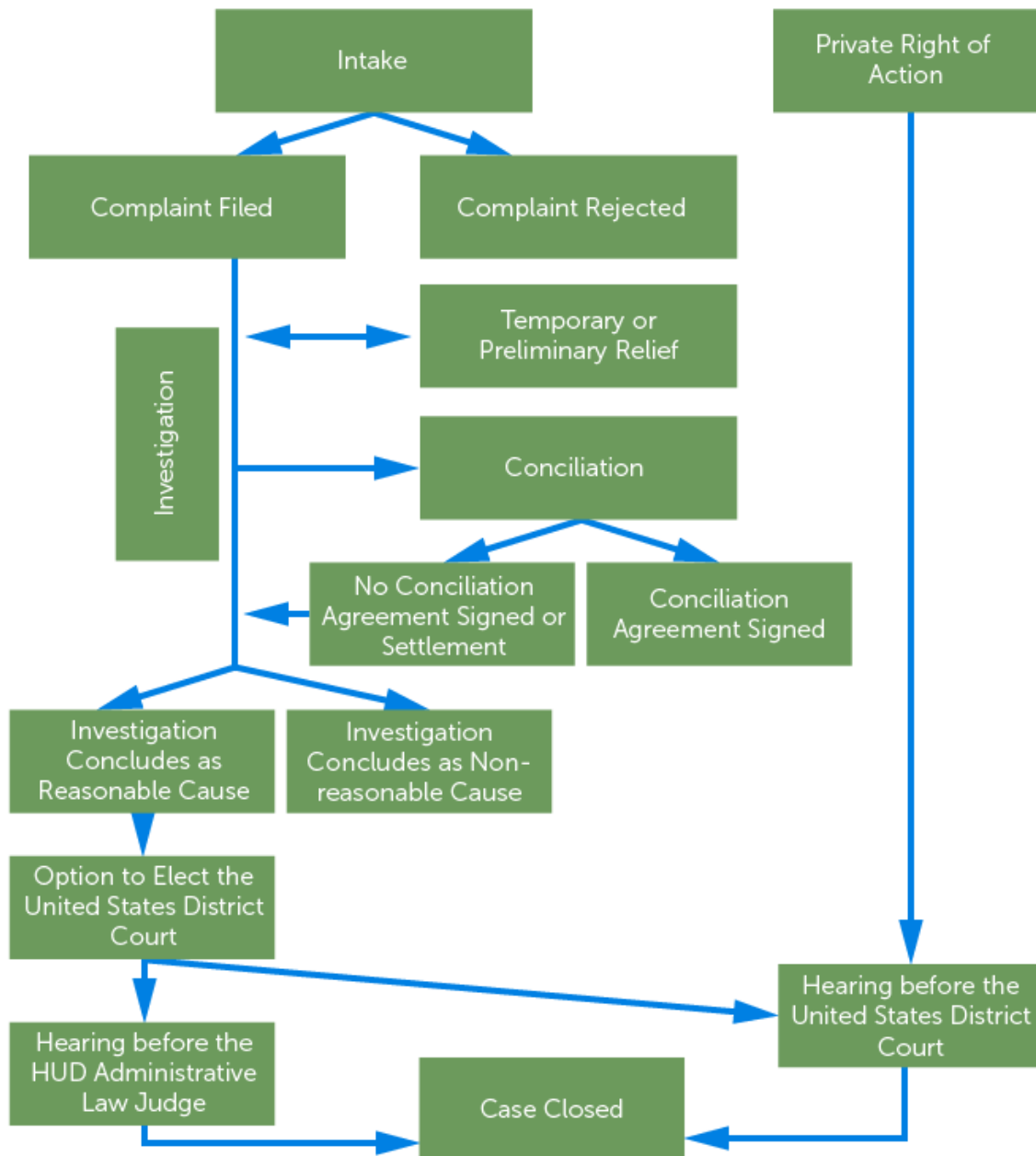
- Your name and contact information
- The name and contact information of the person against whom you are filing a fair housing complaint
- The address (or other identification) of the housing involved
- A short description of the alleged violation
- Date(s) of the alleged violation

It is important to provide the date because complaints are only valid if they are filed within a year of the alleged violation.

IBRAHIM. Okay. That sounds simple enough. Can you tell us about what happens after we submit our complaint so we can be prepared for that process as well?

In simple terms, Luis explains the process that occurs after a fair housing violation is reported directly through HUD. The process is equivalent when a violation is reported through other agencies. Let's continue by reviewing the process in detail, using a flow chart, so that you are prepared to answer any questions clients may have about it.

HUD'S FAIR HOUSING COMPLAINT PROCESS



Intake

Once a complaint is received, an intake specialist reviews the information to determine if the complaint involves a possible violation of the Fair Housing Act and is within HUD's jurisdiction. The specialist will contact the **complainant** if additional information is needed to complete the review.

(Next step: *Complaint Filed or Complaint Rejected*, Previous step: *None*)

Complainant

A person, group, or company that files a complaint which claims that someone has violated a law

Complaint Filed

If the complaint meets the criteria for investigation by HUD, the intake specialist assists the complainant in completing and filing an official housing discrimination complaint. Upon filing an official complaint, the following also occurs:

- *Notifications Sent*

HUD sends a notification to the aggrieved person acknowledging the filing and advising the aggrieved person of the time limits and choices.

HUD also sends a notification to the **respondent**, no later than 10 days from the date the official complaint is filed, informing the respondent that a fair housing complaint has been filed against him or her. Along with the notification, the respondent receives a copy of the complaint and information about his or her procedural rights and obligations.

- *Response Requested*

Within 10 days of receipt of the notice from HUD, each respondent may provide an answer to the complaint.

- *Assigned for Investigation*

The complaint is assigned for investigation by HUD or is referred for state or local proceedings. Whenever a complaint alleges a discriminatory housing practice within the jurisdiction of a state or local public agency that is certified by HUD's FHAP program, HUD refers the complaint to that certified agency to investigate. HUD only takes further action on the complaint if the referred agency consents or if the referred agency does not begin proceedings on the complaint within 30 days, fails to carry forth proceedings with reasonable promptness, or becomes disqualified for certification in the FHAP program.

(Next step: *Investigation*, Previous step: *Intake*)

Complaint Rejected

If the intake specialist determines that the complaint does not involve housing discrimination and is not within HUD's jurisdiction, HUD cannot accept the complaint.

(Next step: *None*, Previous step: *Intake*)

Respondent

A person against whom a fair housing complaint is filed. Respondents must be identified as a specific individual, rather than an organization or other group.

Investigation

In the investigation process, HUD acts as a neutral third party to determine whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur. During the investigation, HUD:

- Interviews the complainant, the respondent, and pertinent witnesses.
- Collects relevant documents and/or conducts site visits, as appropriate.
- May take depositions, issue subpoenas, and compel testimony or documents.
- Continually offers and engages conciliation, to the extent feasible, during the period between the filing of the complaint and the filing of a charge or dismissal by the HUD Secretary.

The investigation is completed no later than 100 days after the filing of the complaint (or after HUD begins further action on a complaint previously assigned to another agency), unless it is impracticable to do so. Where it is impracticable to do so, the HUD Secretary notifies the complainant and respondent in writing of the reasons for not doing so.

(Next step: *Investigation Concludes as a Non-reasonable Cause* or *Investigation Concludes as a Reasonable Cause* or *Conciliation* or *Temporary or Preliminary Relief*, Previous step: *Complaint Filed*)

Temporary or Preliminary Relief

If HUD concludes at any time following the filing of a complaint that irreparable harm is likely to occur without HUD's intervention of the potential fair housing violation, HUD may authorize prompt civil action for appropriate temporary or preliminary relief.

Example: A builder agrees to sell a house but fails to keep the agreement after learning the buyer is black. The buyer files a complaint with HUD. HUD may authorize the Attorney General to go to court to prevent a sale to any other buyer until HUD investigates the complaint.

(Next step: *Conciliation*, Previous step: *Investigation*)

Conciliation

In **conciliation** of a complaint, HUD attempts to achieve a just resolution of the complaint, obtain assurances that the respondent will satisfactorily remedy any violations of the rights of the aggrieved person, and takes such action as will assure the elimination of discriminatory housing practices, or the prevention of their occurrence, in the future. The choice to conciliate the complaint is completely voluntary on the part of both the complainant and the respondent.

Conciliation

The attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the HUD Secretary.

Pre-determination conciliation takes place before all the evidence has been gathered in the investigation process. Post-determination conciliation takes place after the investigation has concluded, but prior to trying the issue before the administrative law judge or a U.S. district court. HUD offers both forms of conciliation during every fair housing investigation.

(Next step: *Conciliation Agreement Signed or No Conciliation Agreement Signed or Settlement*, Previous step: *Investigation*)

Conciliation Agreement Signed

Any **conciliation agreement** that arises is subject to approval by HUD and should seek to protect the interests of the aggrieved person, other persons similarly situated, and the public interest.

If a conciliation agreement is reached, HUD closes the case and no further investigation or review by the administrative law judge or federal district court takes place. A conciliation agreement may include an award of appropriate relief for the complainant, including monetary relief.

If HUD has reasonable cause to believe that a respondent has breached a conciliation agreement, HUD refers the matter to the Attorney General with a recommendation to file a suit to enforce the agreement.

(Next step: *None*, Previous step: *Conciliation*)

No Conciliation Agreement Signed or Settlement

There are two situations in which the investigation process or charge process continues even after the conclusion of pre-determination conciliation or post-determination conciliation, respectively. These include:

- *No conciliation agreement is reached*
If the respondent, complainant, and HUD cannot reach a conciliation agreement, the investigation continues.
- *Resolution with settlement is made*
If only the complainant and the respondent reach an agreement but HUD does not approve the agreement, this is referred to as a settlement, not conciliation. In this case, HUD may initiate a new complaint based on the original issue.

(Next step: *Investigation*, Previous step: *Conciliation*)

Investigation Concludes as a Non-reasonable Cause

If HUD determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, HUD promptly dismisses the complaint.

(Next step: *None*, Previous step: *Investigation*)

Conciliation Agreement

A written agreement setting terms for the resolution of the issues in conciliation.

Investigation Concludes as a Reasonable Cause

If HUD determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, in most cases, HUD immediately issues a charge on behalf of the aggrieved person, for further proceedings before the administrative law judge.

After HUD issues a reasonable cause charge, HUD sends a copy of the charge to each respondent named in the charge and to each aggrieved person on whose behalf the complaint was filed. Additionally, information is provided to the respondents and aggrieved persons about how to make an “election” for proceedings to take place in the U.S. district court and the effect of such an election. The information delivered also includes a notice of opportunity for a hearing with an administrative law judge, or ALJ, at a specified time and place. This hearing with the ALJ occurs unless the election for the U.S. district court is made.

(Next step: Option to Elect the United States District Court, Previous step: Investigation)

Option to Elect the United States District Court

When a charge is filed, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the case heard in a civil action under the U.S. district court rather than the administrative law judge. The administrative law judge hears the case in the absence of an election. The election must be made no later than 20 days of receipt of the charge.

(Next step: Hearing before the United States District Court or Hearing before the HUD Administrative Law Judge, Previous step: Investigation Concludes as a Reasonable Cause)

Hearing before the United States District Court

No later than 30 days after any party elects to go to district court, the U.S. Department of Justice commences a civil action on behalf of the aggrieved person. If the court finds that a discriminatory housing practice has or is about to occur, the court can grant actual and punitive damages as well as attorney’s fees and costs. The court can also issue other orders, such as a temporary restraining order, as deemed appropriate.

(Next step: Case Closed, Previous step: Private Right of Action or Option to Elect the United States District Court)

Hearing before the HUD Administrative Law Judge

If an election is not made to go to district court, a hearing under the administrative law judge is conducted in the vicinity of which the discriminatory housing practice is alleged to have occurred or to be about to occur. The administrative law judge commences the hearing under no later than 120 days following the issuance of the charge, unless it is impracticable to do so.

At the hearing, each party may appear in person, be represented by a counsel to present evidence, cross-examine witnesses, and obtain the issuance of subpoenas.

The administrative law judge makes findings of fact and conclusions of law no later than 60 days after the end of the hearing, unless it is impracticable to do so.

If the administrative law judge finds that a respondent has engaged or is about to engage in a discriminatory housing practice, the administrative law judge promptly issues an order for relief as may be appropriate, which may include actual damages suffered by the aggrieved person, or other equitable relief or remedy.

Within 15 days of the issuance of the administrative law judge's initial decision, any party adversely affected by the administrative law judge's initial decision can petition HUD for further review.

(Next step: *Case Closed*, Previous step: *Option to Elect the United States District Court*)

Private Right of Action

An aggrieved person may commence a civil action in an appropriate U.S. district or state court no later than two years of an alleged violation or the breach of a conciliation agreement. The court may appoint an attorney for the aggrieved individual and can authorize civil action to proceed without the payment of fees, costs, or security if the aggrieved individual is financially unable to bear the costs.

In most cases, a person may file suit directly through the U.S. district or state court, whether or not a complaint with HUD is filed, or even after filing a complaint with HUD. However, if a conciliation agreement has been approved by HUD and the agreement has not been breached, a civil action cannot be commenced. Also, if the administrative law judge has commenced a hearing regarding the charge, a civil action cannot be commenced.

A court may award actual and punitive damages, as well as other orders, such as a temporary restraining order, as deemed appropriate.

(Next step: *Hearing before the United States District Court*, Previous step: *None*)

KNOWLEDGE CHECK 3

Match each corresponding phase of the investigation and charge process on the left with the corresponding description on the right.

- | | |
|-----------------------------------|---|
| A. Intake | ___ 1. HUD interviews the complainant; the respondent and pertinent witnesses; collects relevant documents and/or conducts site visits; and continually offers and engages conciliation. |
| B. Filing | |
| C. Investigation | ___ 2. After a complainant submits a complaint, an intake specialist reviews the information to determine if the allegation involves a possible violation of Fair Housing Act and is within HUD's jurisdiction. |
| D. Pre-determination Conciliation | ___ 3. HUD attempts to achieve a just resolution of the complaint before all the evidence has been gathered in the investigation process. |
| | ___ 4. HUD sends a notification to the aggrieved person acknowledging the filing and advising the aggrieved person of the time limits and choices; sends a notice to the respondent, no later than 10 days of when the official complaint is filed; and assigns the complaint for investigation by HUD or refers the complaint to state or local proceedings. |

KNOWLEDGE CHECK 4

A landlord receives a notice from HUD that includes a fair housing complaint and information about his or her procedural rights and obligations. Within how many days must the landlord respond?

- A. 10 days
- B. 14 days
- C. 30 days
- D. 60 days

PROMOTING AWARENESS OF FAIR HOUSING

Let's return to the counseling session where Luis discusses the meaning of "affirmatively furthering fair housing."

SHEREEN. Well, it's fortunate that we happened to be meeting with you regularly for housing assistance when this situation occurred. Otherwise, I don't know how we would have learned about our fair housing rights. All of this is new to me. I have many non-Christian friends in the area that may have been in similar situations but may not have had the opportunity to learn about their rights. They probably are not aware that they can report a fair housing violation.

LUIS. That's a good point. My housing counseling agency is concerned that our clients, and the general public, are not aware of their fair housing rights. As a result, we employ an agency-wide plan to further awareness of fair housing rights and responsibilities and to overcome effects of any impediments identified to fair housing. As part of the plan, we carry out targeted marketing campaigns. Through those campaigns, we strive to inform the public about their fair housing rights.

SHEREEN. That sounds like a big job for a small agency like yours!

Examples of Affirmatively Furthering Fair Housing

- Identifying lender policies that have fair housing implications for clients
- Analyzing zoning laws, occupancy limits, housing codes, and project approvals for barriers to fair housing and modifying laws, policies, and procedures to provide fair access and equal opportunity
- Reviewing housing construction or rehabilitation plans to ensure that housing is accessible to persons with disabilities and offering technical assistance to owners, lenders, architects, and builders on housing accessibility standards
- Strategically marketing available housing to persons less likely to apply
- Encouraging banks and other lending institutions to operate in areas that are underserved and providing services to the underserved
- Encouraging lenders not to rely solely on automated underwriting for evaluating credit worthiness and loan terms
- Conducting outreach to advocacy groups (e.g., disability groups) on housing availability and providing direct assistance to clients in securing housing of choice
- Conducting educational initiatives to inform people about fair housing obligations

SHEREEN. Well, perhaps I'll recommend that some of my friends visit you to learn more about how to benefit from these efforts.

Now that Shereen and Ibrahim's questions have been answered, they feel well informed on how to file a complaint and know how they can receive assistance through state and local resources as necessary. With this, Luis wraps up their session.

AFFIRMATIVELY FURTHERING FAIR HOUSING RULES

Let's continue by taking a closer look at the Fair Housing Act mandate to affirmatively further fair housing.

The Fair Housing Act prohibits discrimination in housing sales, rentals, financing, and insurance. The Fair Housing Act also specifies that the HUD Secretary shall administer programs and activities relating to housing and urban development in a manner that affirmatively furthers fair housing, or AFFH, policies.

This responsibility is largely achieved through efforts of HUD program fund recipients. Recipients of HUD program funds must affirmatively further fair housing in their program designs, operations, actions, and policies. They must also work to affirmatively further fair housing in *all* housing and housing-related activities in the programs or activities of their jurisdiction, whether the housing is publicly or privately funded. HUD's housing counseling program regulations and past notice of funding availability have specific guidance for affirmatively furthering fair housing.

HUD's 2021 Interim Final Rule (IFR), "Restoring Affirmatively Furthering Fair Housing Definitions and Certifications," requires program participants to submit certifications that they will affirmatively further fair housing in connection with their consolidated plans, annual action plans, and PHA plans. In order to support these certifications, the IFR creates a voluntary fair housing planning process for which HUD will provide technical assistance and support.

The IFR also rescinds the 2020 Preserving Communities and Neighborhood Choice rule, which was causing funding recipients to certify "compliance" with a regulatory definition that is not a reasonable construction of the Fair Housing Act's mandate to affirmatively further fair housing. HUD is putting itself and its program participants back in a position to take meaningful steps towards improved fair housing outcomes.

The IFR does not require program participants to undertake any specific type of fair housing planning to support their certifications, and commits HUD to providing technical assistance to those that wish to undertake Assessments of Fair Housing (AFHs), Analyses of Impediments to Fair Housing Choice (AIs), or other forms of fair housing planning. HUD is providing resources to assist program participants.

HUD program fund recipients have specific AFFH responsibilities according to their respective type of funding plan, including **Consolidated Plans** and Public Housing Agency Plans. In the past, programs receiving funds through Super Notice of Funding Availability have also been responsible for upholding specific AFFH duties. Additional rules for affirmatively furthering fair housing are outlined for **subsidized** and **unsubsidized** housing, for mortgage insurance programs, and for housing counseling agencies.

Let's continue by examining three effective actions that housing counselors and agencies can take to affirmatively further fair housing.

Consolidated Plan

A plan designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, location-based investment decisions.

Subsidized Housing

Privately owned housing whose owners agree to lease their properties to low- or moderate-income families in exchange for a subsidy from the government. Subsidies come in various forms, including individual vouchers or subsidies for all units in a multifamily dwelling.

Unsubsidized Housing

Privately owned housing rented at an affordable price.

Action 1

Research rules for all types of programs with AFFH requirements

Subsidized and Unsubsidized Housing Programs

According to AFFH requirements, obligations for providers of subsidized housing and unsubsidized housing include:

- Achieve a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion, sex, disability, familial status, or national origin.
- Pursue affirmative fair housing marketing policies in soliciting buyers and tenants, in determining their eligibility, and in concluding sales and rental transactions.

Action 2

Participate in metropolitan wide area fair housing planning to research impediments to fair housing, and create and implement strategies to address them

- Collaborate with leaders of HUD-funded programs, no matter the funding or program type.
- Initiate metropolitan wide area fair housing planning and efforts.
- Develop a **marketing plan** that presents a strategy designed to attract buyers and renters of all majority and minority groups, regardless of sexual orientation, gender identity, source of income, and marital status and describes initial advertising, outreach (community contacts), and other marketing activities.
- Participate in local task forces or state housing counseling networks.
- Work across agencies to allow program leaders to identify potential trends, patterns, and practices in the housing market that may violate fair housing laws.
- Collectively and individually create strategies to address known and existing impediments to fair housing. Learn about likely areas in which fair housing violations could occur in the region to allow housing counselors to more effectively identify signs of fair housing violations that have occurred or are about to occur.
- Become knowledgeable about fair housing programs and initiatives within state and local municipalities to more effectively assist clients if they are able to provide descriptions of any new programs and initiatives and explain how participation in the programs or initiatives could be useful to each client.
- Gain awareness of the plans and actions of housing industry members, private organizations and foundations, public housing agencies, neighborhood groups, regional organizations, and others to further fair housing objectives.
- Use knowledge to be able to refer clients to a greater number of useful resources as they search for affordable housing options.
- Gather data about regional trends of fair housing violations to make data-driven decisions in their marketing and outreach programs.

Marketing Plan

A sample fillable form to create an Affirmative Fair Housing Marketing Plan, or AFHMP, for Multifamily Housing is available in the Resources section.

Action 3

Conduct marketing and outreach campaigns and maintain records

Marketing and Outreach Campaigns

- Conduct marketing and outreach campaigns, including, but not limited to, providing general information about housing opportunities, conducting information campaigns, and raising awareness about critical housing topics such as predatory lending and fair housing topics.
- Identify groups of people who would benefit most if targeted by the campaign, the characteristics of these people, and their expectations.
- Maintain records of activities which include impediments to fair housing addressed, a description of activities, and their impact, and specific demographic information.

Examples of Marketing and Outreach Programs that Raise Awareness about Fair Housing Topics

- Educational events on fair housing rights and responsibilities, housing discrimination, reasonable accommodation, and reasonable modification for housing providers.
- Local fair housing events for advocates, renters, landlords, and real-estate professionals.
- Fair housing events conducted in partnership with HUD.
- Informational messages on the radio, T.V., print media, and social media.
- Cross-agency training on affirmatively furthering fair housing (e.g., training that brings HUD regional offices and state and local entities together).

KNOWLEDGE CHECK 5

Which fair housing related action is beyond the authority of entities that participate in HUD housing or urban development programs?

- A. Issue an order for relief if it is found that an organization has engaged, or is about to engage, in a discriminatory housing practice.
- B. Strategically market available housing to persons less likely to apply.
- C. Examine its programs or proposed programs and identify any impediments to fair housing choice within those programs.
- D. Pursue affirmative fair housing marketing policies in soliciting buyers and tenants for providers of all types of housing in a jurisdiction.

KNOWLEDGE CHECK 6

Which aims to identify groups of people who would benefit most if targeted by the campaign, the characteristics of these people, and their expectations?

- A. Marketing plan
- B. HUD-funded program
- C. Networking event

KNOWLEDGE CHECK 7

Which can a housing counselor participate in to benefit from increased awareness of the plans and actions of housing industry members, private organizations and foundations, public housing agencies, neighborhood groups, regional organizations, and others to further fair housing objectives?

- A. Marketing plan
- B. HUD-funded program
- C. Networking event

KNOWLEDGE CHECK 8

To assist clients who may utilize them, housing counselors should research AFFH rules for which of the following?

- A. Marketing plan
- B. HUD-funded program
- C. Networking event

SUMMARY

In this module, you learned to:

1. Identify state and local resources for fair housing enforcement available to clients confronted with a fair housing violation.
2. Demonstrate how to report a violation of fair housing laws or requirements to empower a client to file a complaint.
3. Comprehend common obstacles to fair housing to identify signs or evidence of housing discrimination and develop a marketing plan to address impediments.
4. Employ methods to promote a client's awareness of fair housing and apply knowledge of the AFFH rule for the commitment of housing counseling agencies to affirmatively further fair housing.

KNOWLEDGE CHECK ANSWER KEY

1. (B) Fair Housing Assistance Program (FHAP)

HUD's Fair Housing Assistance Program (FHAP) provides annual funding to state and local agencies that enforce fair housing laws that are substantially equivalent to the Fair Housing Act. FHAP funds support efforts such as capacity building, administrative costs, complaint investigations, and fair housing enforcement.

Incorrect answer: (A) Fair Housing Initiatives Program

2. (A) Fair Housing Initiatives Program (FHIP)

HUD's Fair Housing Initiatives Program (FHIP) provides funding to fair housing organizations and nonprofits that assist potential victims of housing discrimination. FHIP organizations help people find government agencies that handle complaints, and they conduct preliminary investigations of claims.

Incorrect answer: (B) Fair Housing Assistance Program (FHAP)

3. Correct matched items:

(C) Investigation: 1. HUD interviews the complainant, the respondent, and pertinent witnesses; collects relevant documents and/or conducts site visits; and continually offers and engages conciliation.

(A) Intake: 2. After a complainant submits a complaint, an intake specialist reviews the information to determine if the allegation involves a possible violation of the Fair Housing Act and is within HUD's jurisdiction.

(D) Pre-determination Conciliation: 3. HUD attempts to achieve a just resolution of the complaint before all the evidence has been gathered in the investigation process.

(B) Filing: 4. HUD sends a notification to the aggrieved person acknowledging the filing and advising the aggrieved person of the time limits and choices; sends a notice to the respondent, no later than 10 days of when the official complaint is filed; and assigns the complaint for investigation by HUD or refers the complaint to state or local proceedings.

4. (A) 10 days - the landlord is the respondent and has 10 days to provide an answer to the complaint.

Incorrect answers—(B) 14 days—this time limit is not related to any part of the complaint process, (C) 30 days—this is a time limit related to Hearing before the United States District Court, (D) 60 days—this is a time limit related to Hearing before the HUD Administrative Law Judge

5. Issue an order for relief if it is found that an organization has engaged, or is about to engage, in a discriminatory housing practice.

Issuing an order for relief is the responsibility of an administrative law judge or the district court, not of entities that participate in HUD programs.

Incorrect answers: (B) Strategically market available housing to persons less likely to apply—This is an effective method of providing opportunities for inclusive patterns of housing development and occupancy and promoting fair housing choice for all persons, and thus may fulfill AFFH obligations; (C) Examine its programs or proposed programs and identify any impediments to fair housing choice within those programs—This AFFH obligation is specifically outlined in the rules for public housing or public housing agency-administered (PHA) Housing Choice Vouchers; and (D) Pursue affirmative fair housing marketing policies in soliciting buyers and tenants for providers of all types of housing in a jurisdiction—This AFFH obligation is specifically outlined in the rules for public housing or public housing agency-administered (PHA) Housing Choice Vouchers.

6. (A) Marketing plan

The aim of a marketing plan is to identify groups of people who would benefit most if targeted by the campaign, the characteristics of these people, and their expectations.

Incorrect answers: (B) HUD-funded program (C) Networking event

7. (C) Networking event

There are numerous ways that participating in networking events, or collaboration events, benefit housing counselors. One benefit is the opportunity to increase awareness of the plans and actions of housing industry members, private organizations and foundations, public housing agencies, neighborhood groups, regional organizations, and others to further fair housing objectives.

Incorrect answers: (A) Marketing plan (B) HUD-funded program

8. (B) HUD-funded program

If housing counseling clients seek housing through certain programs, it is beneficial for them to be aware of AFFH requirements for those programs. Housing counselors can research AFFH rules for all types of programs with AFFH requirements, in order to inform their clients.

Incorrect answers: (A) Marketing plan (C) Networking event

RESOURCES

DOJ LIST OF STATE AND LOCAL CIVIL RIGHTS AGENCIES

www.justice.gov/crt/legalinfo/stateandlocal.php

EXAMPLE COMPLAINT PROCESS (STATE LEVEL)

mccr.maryland.gov/Pages/Intake.aspx

HUD 2015 AFFH FINAL RULE

www.federalregister.gov/articles/2015/07/16/2015-17032/affirmatively-furthering-fair-housing

HUD 2020 PRESERVING COMMUNITY AND NEIGHBORHOOD CHOICE RULE

www.federalregister.gov/documents/2020/08/07/2020-16320/preserving-community-and-neighborhood-choice

HUD 2021 RESTORING AFFIRMATIVELY FURTHERING FAIR HOUSING DEFINITIONS AND CERTIFICATIONS

www.federalregister.gov/documents/2021/06/10/2021-12114/restoring-affirmatively-furthering-fair-housing-definitions-and-certifications

HUD AFFIRMATIVE FAIR HOUSING MARKETING PLAN (AFHMP)—MULTIFAMILY HOUSING

www.hud.gov/sites/documents/935-2A.PDF

HUD AFFIRMATIVELY FURTHERING FAIR HOUSING

www.hud.gov/program_offices/fair_housing_equal_opp/affh#_Resources

HUD FAIR HOUSING AND RELATED LAWS

www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_and_related_law

HUD FAIR HOUSING ASSISTANCE PROGRAM (FHAP)

www.hud.gov/program_offices/fair_housing_equal_opp/partners/FHAP

HUD FAIR HOUSING ASSISTANCE PROGRAM (FHAP) AGENCIES

www.hud.gov/program_offices/fair_housing_equal_opp/partners/FHAP/agencies

HUD FHEO COMPLAINT AND INVESTIGATION PROCESS

www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process

HUD FHEO CONTACTS

www.hud.gov/program_offices/fair_housing_equal_opp/contact_fheo

HUD FHEO: FILE A COMPLAINT

www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

HUD FORM 903 ONLINE COMPLAINT FOR HOUSING DISCRIMINATION

portal.hud.gov/FHEO903/Form903/Form903Start.action