

Fair Housing Programs

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Administering Agency: HUD's Office of Fair Housing and Equal Opportunity (FHEO)

Year Started: 1989

Number of Persons/Households Served: In 2017 through 2018, organizations primarily funded by the Fair Housing Initiatives Program (FHIP) investigated 44,002 complaints of housing discrimination.

Population Targeted: Protected classes under the "Fair Housing Act" are based on race, national origin, color, religion, sex, familial status, and disability.

Funding: Fair Housing Initiatives Program (FHIP), \$45 million; Fair Housing Assistance Program (FHAP), \$23.5 million in FY20.

See Also: For related information, refer to the *Affirmatively Furthering Fair Housing* sections of this guide.

The federal "Fair Housing Act" protects the public from discrimination on the basis of race, national origin, color, religion, sex, familial status, and disability in all housing transactions, public and private. HUD has also provided guidance that interprets the Fair Housing Act prohibition on sex discrimination to prohibit discrimination based on sexual orientation or gender identity in HUD-assisted housing and housing insured by the Federal Housing Administration.

Two HUD-funded programs are specifically dedicated to the enforcement of the Fair Housing Act: The Fair Housing Initiatives Program (FHIP) and the Fair Housing Assistance Program (FHAP).

ADMINISTRATION

HUD's Office of Fair Housing and Equal Opportunity (FHEO) is responsible for administering FHIP, FHAP, and HUD's investigation of fair housing and fair lending

complaints. The Civil Rights Division of the U.S. Department of Justice (DOJ) may also investigate complaints and is responsible for litigating on behalf of the federal government in cases of fair housing and fair lending violations. DOJ also retains exclusive fair housing authority over complaints the government receives involving zoning, land use, and pattern and practice cases.

HISTORY AND PURPOSE

The federal Fair Housing Act was passed in 1968 and amended in 1974 and 1988. FHIP and FHAP were created as a means of carrying out the objectives of the act.

PROGRAMS SUMMARY

There are two federal programs that support enforcement of the Fair Housing Act. FHIP funds private fair housing organizations, and FHAP funds the fair housing enforcement programs of state and local government agencies.

Fair Housing Initiatives Program

FHIP supports private nonprofit fair housing organizations in their efforts to provide education and outreach to the public and housing providers and to enforce the Fair Housing Act by investigating allegations of rental, real-estate sales, homeowner insurance, and lending discrimination in their local housing markets. FHIP is a competitive grant program administered by FHEO. FHIP supports three primary activities: The Private Enforcement Initiative enables qualified private nonprofit fair housing organizations to conduct complaint intake, testing, investigations, and other enforcement activities. The Education and Outreach Initiative funds organizations to educate the general public about fair housing rights and responsibilities and local housing providers about how to comply with the law.

The Fair Housing Organizations Initiative builds the capacity and effectiveness of fair housing organizations and funds the creation of new organizations.

In 2017 and 2018, FHIP-funded organizations investigated over 44,000 complaints of housing discrimination across the country, more than twice that of all state and federal agencies combined and over three times as many as local and state government agencies participating in HUD's FHAP program combined during the same period.

Fair Housing Assistance Program

State and local government agencies certified by HUD to enforce state or local fair housing laws that are substantially equivalent to the Fair Housing Act receive FHAP funds. HUD funds FHAP agencies by reimbursing them based on the number of cases they successfully process. In addition, FHAP funds help cover administrative expenses and training. New FHAP organizations receive three years of capacity building funding before moving to the reimbursement phase. In 2017 and 2018, FHAP entities investigated 12,883 complaints of housing discrimination.

FUNDING

The FY20 budget is \$45 million for FHIP and \$23.5 million for FHAP. At least \$57 million, including \$5 million for a systemic testing program, must be provided for the FHIP program going forward. FHAP must be funded at \$40 million.

An increased FHIP appropriation would provide fair housing groups with the capacity to address larger systemic issues, such as discriminatory sales practices, insurance policies, and bringing about investigations into increasingly harmful blanket policies that have a widespread impact on available housing choice in entire markets. FHIP must also be increased to allow for private nonprofit fair housing organizations to address the onslaught of discrimination against immigrants and religious minorities.

FORECAST FOR 2020

Fair housing enforcement has repeatedly come under attack from this current Administration. The current Administration has suspended HUD's Affirmatively Furthering Fair Housing rule and has rewritten its Discriminatory Effects rule in a manner that makes it nearly impossible for victims of discriminatory policies or practices to successfully bring disparate impact claims. Moreover, this Administration has failed to release the Notice of Funding Availability ("NOFA") for FHIP during its tenure, drawing out the time between the end of expiring three-year enforcement grants. As of December 17, 2019, HUD had still not released the FY19 FHIP NOFA, causing a crisis scenario in which nearly a third of all grant recipients will experience some form of significant lapse in enforcement funding. The practical impacts of this decision will be felt in communities across the nation as nearly a third of FHIP grant organizations may be forced to shut down fair housing intake services and investigations. This will be a massive setback for fair housing enforcement in the long run as agencies will risk losing expert fair housing specialists who took years to train and cultivate.

NFHA has raised these concerns with HUD and Congress. Advocates should call on Congress to increase funding for FHIP and FHAP and to create increased accountability measures to ensure that HUD and the Office of Management and Budget release FHIP funding opportunities in a timely manner.

TIPS FOR LOCAL SUCCESS

Individuals and advocates who suspect or observe a fair housing violation, including a failure to affirmatively further fair housing, should contact a local fair housing organization, the National Fair Housing Alliance, or submit a request for assistance using the "Report Housing Discrimination" feature at www.nationalfairhousing.org.

Fair housing complaints can be submitted to local fair housing organizations, state or local government agencies, or HUD.

Individuals who experience hate crimes in a dwelling should call the local authorities, but they should also reach out to their local fair housing organization or the National Fair Housing Alliance. The Fair Housing Act has a criminal section that protects victims of certain hate crimes at their place of dwelling.

Advocates working with distressed homeowners who believe they may have been victims of lending discrimination should encourage borrowers to submit mortgage complaints to the Consumer Financial Protection Bureau (CFPB). Individuals and advocates may submit mortgage complaints by visiting www.consumerfinance.gov or by calling 855-411-CFPB (2372). Non-English speakers can receive information and submit mortgage complaints in 200 languages by calling the CFPB.

WHAT TO SAY TO LEGISLATORS

Advocates should speak to legislators with the message that private fair housing organizations investigate more than two thirds of all fair housing complaints each year, which is twice as many as all government agencies combined. This important service is historically underfunded and as a result, fair housing and fair lending violations remain under-reported and unaddressed. To help put an end to pervasive housing discrimination, funding for FHIP should be at least \$55 million, including \$5 million for a systemic testing program, and funding for FHAP should be \$35.2 million going forward.

Legislators must also be prepared to protect HUD's Affirmatively Furthering Fair Housing rule and oppose changes to the current Discriminatory Effects regulation.

FOR MORE INFORMATION

National Fair Housing Alliance, 202-898-1661, 800-910-7315, www.nationalfairhousing.org.