

Part II: Understanding and Navigating Housing Rights for Families

Stabilizing Housing for Families of Children Who Experience Mental Health and/or Substance Use Challenges

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Disclaimer

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Fair Housing Laws

What are Fair Housing Laws?

- Fair housing laws were enacted to eliminate discriminatory barriers to housing
- They guarantee that everyone has equal access to housing
 - Equal access allows people to decide where they want to live
- A person cannot be denied housing because of their membership in a protected class



Federal Fair Housing Act (FHA)

FHA prohibits discrimination in renting or buying a home, obtaining a mortgage, seeking housing assistance, or engaging in other housing-related activities.

More specifically, it means discrimination in:

- Advertising
- Sale or rental of housing
- Terms or conditions of housing
- Termination of tenancy
 - **Must be based on a protected class**

What it is NOT:

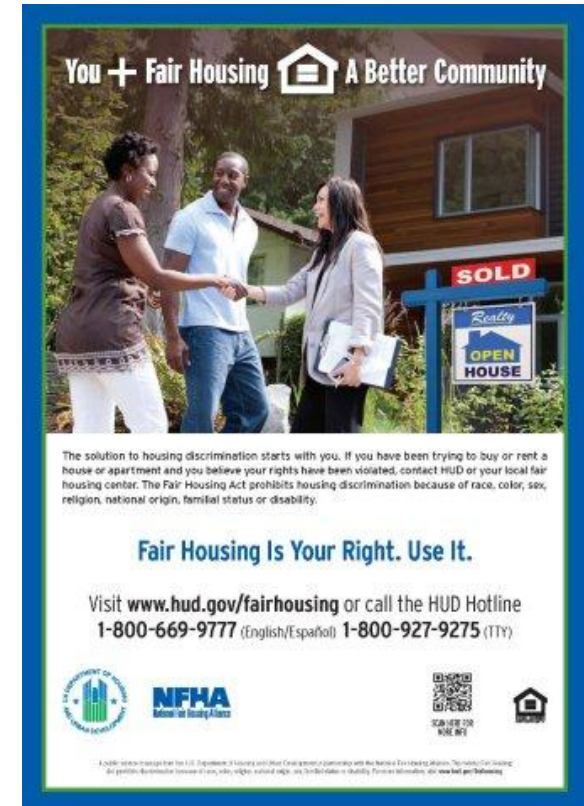
- General, unfair or negative treatment, unconnected to a protected class



What Does Fair Housing Really Mean?

Discrimination based on a Protected Class in:

- Advertising
- Sale or Rental of Housing
- Terms or Conditions of Housing
- Termination of Tenancy



The poster features a photograph of three people (two women and one man) standing in front of a house with a 'SOLD' sign and an 'OPEN HOUSE' sign. The text at the top reads 'You + Fair Housing = A Better Community'. Below the photo, it states: 'The solution to housing discrimination starts with you. If you have been trying to buy or rent a house or apartment and you believe your rights have been violated, contact HUD or your local fair housing center. The Fair Housing Act prohibits housing discrimination because of race, color, sex, religion, national origin, familial status or disability.' The main message is 'Fair Housing Is Your Right. Use It.' It provides contact information: 'Visit www.hud.gov/fairhousing or call the HUD Hotline 1-800-669-9777 (English/Español) 1-800-927-9275 (TTY)'. Logos for HUD, NFHA (National Fair Housing Alliance), and a QR code are at the bottom.

What is a Protected Class?

Fair Housing Act: Protected Classes

Title VIII of the Civil Rights Act of 1968, as amended, Fair Housing Act (FHA), makes it unlawful to discriminate against individuals in housing transactions based on:



DISABILITY



RACE



SEX



COLOR



NATIONAL
ORIGIN



RELIGION



FAMILY
STATUS

What Housing is Covered?

“...any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.” *42 U.S.C. §3602(b)*

So, FHA applies to most types of housing, including:

- ✓ Houses
- ✓ Apartments
- ✓ Condos
- ✓ Manufactured/Mobile Homes
- ✓ Vacant Land for Residential Construction
- ✓ Dorm Rooms
- ✓ Nursing Homes/Assisted Living Facilities
- ✓ Recipients of Federal Financial Assistance, including homelessness programs, public housing, voucher programs

Protections for Families

Who is Protected

Families with children under the age of 18

Pregnant people

Person in process of securing legal custody of a minor child



What is Prohibited

Refusing to rent to families with children

Evicting families once child joins family

Requiring families to live on specific floors/buildings/areas

Imposing restrictive rules about children's use of common areas



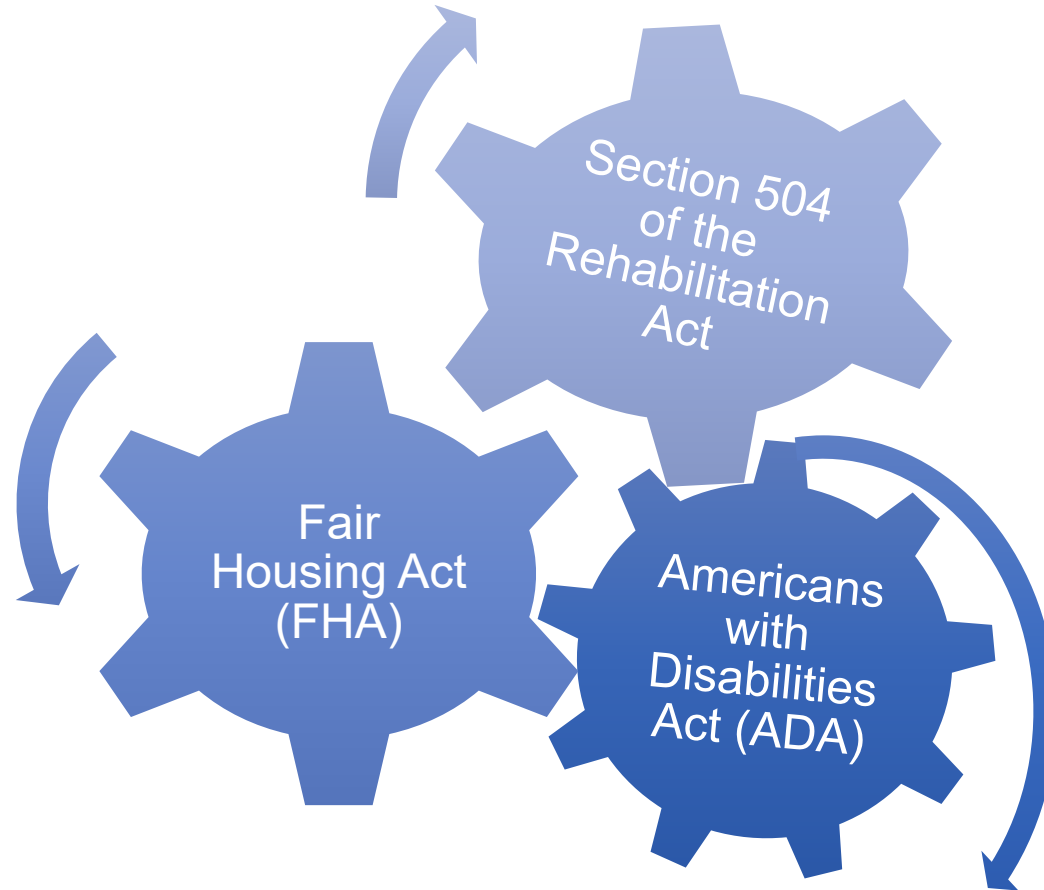
Exceptions

In housing for older persons

Reasonable local/state/federal restrictions on maximum number of occupants

Protections for People with Disabilities

Federal Laws Governing Disability



Definition of Disability

An individual is protected if they:

- Have a physical or mental impairment which substantially limits one or more major life activities
- Have a **record** of such an impairment
 - *(e.g., person denied access to program because of previous hospitalization for mental illness even if not currently mentally ill)*
 - *OR:*
- Are **regarded** as having such impairment, even if they have no disability
 - *(e.g., person is incorrectly believed to have autism and is discriminated against because of this belief)*



What Housing Providers Must Do

- Cannot deny based on disability if otherwise qualified
- Ensure programs are both physically and programmatically accessible
- Make reasonable accommodations in rules, policies, and procedures
- Make reasonable modifications in physical structures

Reasonable Accommodation/Modification

Reasonable Accommodation

- A change in policy, practice, or services
- Connection between accommodation and disability
- Necessary to use and enjoy a dwelling and related services

Reasonable Modification

- Physical change to the interior of a tenant's own unit or to the common use areas
- Related to the person's disability
- Affords person full enjoyment of the premises

Requesting a Reasonable Accommodation/Modification

Submit a request to the housing provider/landlord

- Does not have to be in writing, but recommend doing so where possible
 - Keep a copy for your records!

Indicate you qualify as a person with a disability

- Do not have to include details or nature/extent of the disability

Fully describe the required accommodation/modification

- Nature of policy/barrier that is problematic
- How policy/barrier interferes with your needs/rights/enjoyment of housing
- Change you are seeking in the policy/barrier
 - It is the responsibility of the tenant to make it clear what is needed; don't require housing provider to assume

Requesting a Reasonable Accommodation/Modification

Reasonable Accommodation	Reasonable Modification
<p>Housing Provider Can:</p> <ul style="list-style-type: none"> • Ask for proof of disability, if not apparent 	<p>Housing Provider Can:</p> <ul style="list-style-type: none"> • Ask for proof of disability, if not apparent • Require the work be completed in a professional manner/obtain building permits • Require the tenant pay for the cost of the modification (unless federally-funded)
<p>Housing Provider Cannot:</p> <ul style="list-style-type: none"> • Ask questions about the nature of the disability • Charge fees related to the accommodation 	<p>Housing Provider Cannot:</p> <ul style="list-style-type: none"> • Ask questions about the nature of the disability
<p>Tenant Can:</p> <ul style="list-style-type: none"> • Ask for more than one reasonable accommodation • Ask for the accommodation at any point during occupancy 	<p>Tenant Can:</p> <ul style="list-style-type: none"> • Ask for more than one reasonable modification • Ask for the modification at any point during occupancy

Verifying Disability and Need

- **If the disability and need are obvious**
 - No additional documentation may be required
- **If the disability is known, but need for accommodation is not clear**
 - Only information to evaluate disability-related need may be required
- **If the disability and need are not known**
 - May request documentation of disability and disability- related need





Limits to Reasonable Accommodation/Modification

- Undue financial or administrative burden
- Fundamentally alters nature of housing provider's services
- Direct threat to health or safety of others
- Causes substantial physical damage to property of others

What to Do if Your Request is Denied?



Housing providers must grant requests for reasonable accommodations and/or modifications unless it falls within one of the limits.



If a housing provider fails to respond or does not respond in a timely manner, that is in effect a decision not to grant the requested accommodation.



The tenant can file a complaint for discriminatory housing practices!



Filing a Complaint/ Resources for Advocacy

You can file a discriminatory housing complaint directly with HUD through its Office of Fair Housing and Equal Opportunity (FHEO) or a local Fair Housing Assistance Program (FHAP) agency.

Other Resources for assistance/advocacy:

- [HUD Regional/Field FHEO Offices](#) (by region)
- [Fair Housing Assistance Program](#) (by state/locality)
- [Fair Housing Initiative Program Organizations](#) (by state/locality)
- Local legal aid or other housing advocates



A Family's Point of View



National Homelessness Rates

- More families experience homelessness in the United States than in any other industrialized nation.
- A typical homeless family is comprised of a single mother with her two young children.*
- One in 30 American children experiences homelessness annually; 51% are under age five. More than 2.5 million children are homeless each year in America.



*The Bassuk Center on Homeless and Vulnerable Children & Youth



Family Homelessness is Real

For Example, in DC:

- Total Homeless Population - 6,380
- Total Family Households Experiencing Homelessness - 767
- Veterans Experiencing Homelessness - 302
- Persons Experiencing Chronic Homelessness - 1,452
- Unaccompanied Young Adults (Ages 18-24) Experiencing Homelessness – 253

Compare these with your state's statistics.

Families Have Few Choices of Where They Live

Don't make assumptions about what someone is able to do, without asking:

- Incomes dictates where families live
- Gentrification drives affordable house out of reach
- Mental health can be a barrier to certain neighborhoods
- Children should play where they live





Parenting a Child with Mental Health Challenges Can Be a Challenge Itself

- Landlords lack understanding about mental health
- There is little or no privacy when your child acts out
- Destruction of property can be real

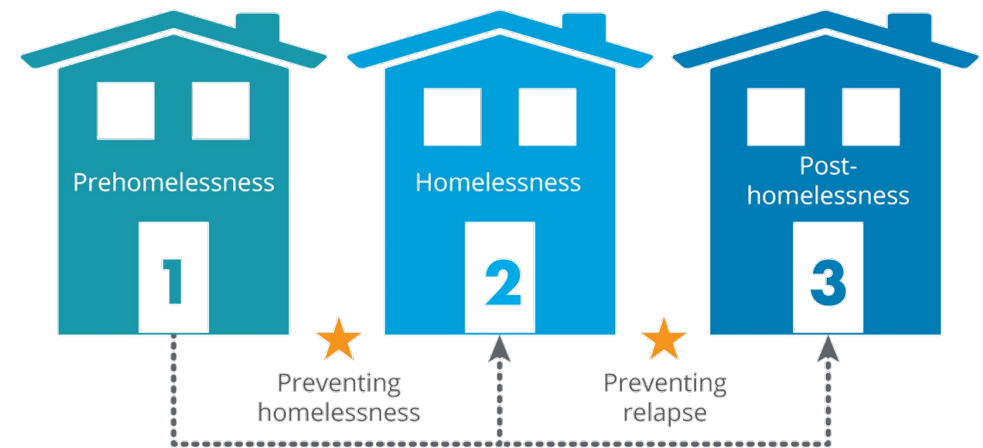
Why Peer Supports

- Empowers families and youth to navigate housing systems
- Supports families transition through different levels of homelessness
- Good listeners
- Helps families remain in housing
- Prevents risk of homelessness
- Helps families and children become resilient



Peers Help Families Prevent Homelessness

- Looking for affordable housing is overwhelming for families
- Finding affordable housing is a daunting task
- Limitations on viewing vacant properties in person
 - Subsidized housing programs are difficult to navigate
 - Completing leasing packages
 - Securing required signatures
 - Inspecting the property and re-inspections
- Property developers building small rental units





RENTAL AGREEMENT

THIS AGREEMENT is made this _____

(Date)

_____, (Address)

_____, Ad

Remind Parent(s) to Read the Lease Before Signing

- Leases are like a contract
- Do not sign off on repairs if they are not made
- Read late fee clauses
 - Can be very costly
- Consequences for destruction of property
 - Family members
 - Visitors
- Rental history does follow the person



Carefully Review Rental Agreements

1

Walk through the property before signing the rental lease

2

Read the leasing terms carefully

3

Watch out for hidden traps in lease agreements

- Repairs should be completed before move in
- Ask questions of rental agent or your peer support worker
- “Quiet enjoyment” clauses benefit the landlord not the tenant

Partner with Property Owners

Peers can become the mediators and the voice

- Educate property owners on the benefits of peers
- Encourage property owners to display information on the benefit of peer work
 - Create a one-pager on services
- Peers can help families become leaders in their communities
 - Apartment captains
- Encourage property owner to create spaces for homework assistance



Housing is Essential to Ending Homelessness

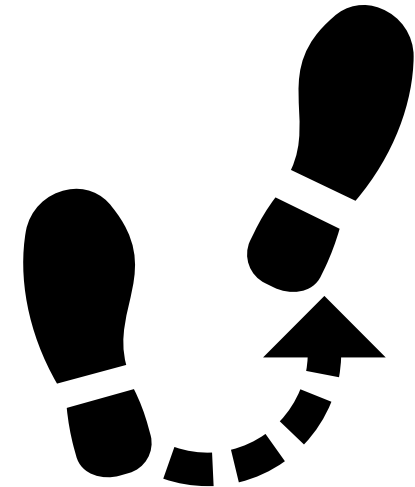
Families need basic supports beyond decent affordable housing to thrive.



Follow Up and Next Steps

In our follow-up email, within 14 business days, look for:

- A link to the recording of today's presentation
- Today's presentation slides
- Invitations to upcoming events
- Additional resources
- Ways to stay connected with us – sign up today!



<https://www.nfstac.org>

| www.hhrctraining.org

THANK YOU FOR JOINING US!

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