Moving Forward
Reducing Barriers to Fair Housing

Rashida Rattray
Education & Outreach Coordinator
About Us

The mission of the Connecticut Fair Housing Center is to ensure that all people have equal access to housing opportunities in Connecticut.

Because housing discrimination disproportionately affects people with low incomes, the Center focuses on the intersection of poverty and housing discrimination. The Center also assists Connecticut homeowners who have been hardest by the nation’s ongoing foreclosure crisis.
The Connecticut Fair Housing Center

- Foreclosure Prevention
- Education & Outreach
  - Policy Advocacy
- Tenant Empowerment
- Fair Housing Enforcement
Federal & State Fair Housing Laws

In order to make sure everyone has equal access to housing, Congress passed the Fair Housing Act of 1968. It prohibits discrimination based on your membership in a protected class in all forms of housing transactions.

Connecticut has protected vulnerable members of our communities by enacting additional state-wide fair housing laws.
Federal & State Fair Housing Protections

Federal
• Race
• Color
• National Origin
• Sex
• Disability
• Religion
• Familial Status

State
• Ancestry
• Marital Status
• Age
• Sexual Orientation
• Lawful Source of Income
• Gender Identity & Expression
• Veteran Status
Applying Fair Housing Laws

• Is the person covered?

• Is the property covered?

• Is the behavior covered?
Forms of Discrimination

• Differential Treatment
  • Treating people differently because of their membership in a protected class is illegal

• Disparate Impact
  • Neutral rule that has a disparate impact (greater negative effect) on members of a protected class
Identifying Housing Discrimination

- Misrepresenting the availability of housing
- Refusal to rent or sell
- Discriminating in terms and conditions
- Discriminatory advertisement
- Use of threats, intimidation, or coercion
- Discrimination with a smile
Effects of Housing Discrimination

The United States and Connecticut remain highly segregated:

67% of the population of color lives in
8% of Connecticut’s towns

People with disabilities and people who have housing vouchers experience discrimination at higher rates than every other protected class
Segregation Map of Connecticut

Percent Non-White Residents by Census Tract

- < 15%
- 15%–30%
- 30%–45%
- 45%–60%
- ≥ 60%

Map: CTData • Source: 2020 Census • Created with Datawrapper
April 11, 1968 Passage of the Fair Housing Act

“Fair housing didn’t become a problem with the passage of the fair housing act.”

- William Tong, Connecticut Attorney General, April 2019

Signed by President Lyndon B. Johnson
Logically when you have an influx of people, you need housing, but where you put housing, and who gets to live there shapes our communities.

Worker housing built before and during the industrial revolution often excluded non-white workers. Colt Factory housing built in 1910.

To protect the real estate during the great depression the FHA created the HOLC, which assessed risk of lending. Non-white neighborhoods were redlined.

Post WWII development was subsidized with federal money, and often excluded non-white families from homeownership.

Simultaneously, highway development and urban renewal decimated non-white urban neighborhoods.
Challenges in Finding Housing

• Disabilities
  • Reasonable Accommodation Requests
• Sexual Harassment
  • Quid pro quo & Hostile Environment
• Criminal Background
  • Case-by-Case Assessment Necessary

• Eviction Record
  • Notice to Quit and Summary Process
  • Reason for Eviction
• Limited Income & Credit History
  • Lawful Source of Income Protections
  • Financial Literacy and Credit Counseling
Fair Housing Rights of People with Disabilities

What is a disability?

1. condition
2. substantially impacts one or more major life functions
3. for an extended period of time
Fair Housing Rights of People with Disabilities (cont.)

Physical or Mental Impairment

Impairment – a condition or disease that affects the mind or the body

Substantially Limits – for a long period of time or to a great degree

Major Life Function – eating, walking, talking, breathing, seeing, hearing, self-care, paying bills, etc.
Examples of Discrimination:

• Requiring a tenant to buy insurance because they use a wheelchair or need a service animal
• Requiring only people with disabilities have a cosigner or guarantor but not requiring this of anyone else
• Asking for a letter from a doctor stating the person with a disability can “live independently”
• Not allowing a tenant to have a service or support animal
Reasonable Accommodations & Modifications

**Reasonable Accommodations**

- Reasonable accommodation is a change in a rule, policy, or practice that makes it possible for a person with a disability to live in their housing
- Does not cost money
- *Unreasonable* — undue financial or administrative burden

**Reasonable Modifications**

- Reasonable modification is a change to the physical structure to address a limitation resulting from a disability
- Reasonable modifications costs money
  - For ex: Building a ramp, widening a doorway, or other change to make a unit more accessible
  - Tenant must pay
- *Unreasonable* — undue administrative burden or structural concern
Animals & Fair Housing Laws

Pets
• No right under Fair Housing laws
• Housing provider can place any restrictions or conditions
• Tenant responsible for animal

Service Animals
• Right granted by ADA and FHA
• Housing provider can request letter from a treating medical professional stating need/s of tenant
• Tenant responsible for animal

Emotional Support Animals
• Right granted by FHA
• Housing provider can request letter from a treating medical professional stating need/s of tenant
• Tenant responsible for animal
Requesting a Reasonable Accommodation or Modification

- If the disability is obvious and the need for the request is obvious, request does not have to be in writing
- Housing provider can request letter from a treating medical professional if disability is NOT obvious
- Request does not have to disclose details of the disability; only needs to state the limitation
- Disability Letter Generator: [www.ctfairhousing.org/raletters/](http://www.ctfairhousing.org/raletters/)
Sexual Harassment in Housing Transactions

• It is unlawful to harass a person because of that person’s sex. Harassment can include “sexual harassment” or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

• Sexual harassment in housing is a form of sex discrimination prohibited by the Fair Housing Act. Sex discrimination is also prohibited by other federal laws, such as Section 109 of the Housing and Community Development Act of 1974 and Title IX of Education Amendments of 1972. There are two main types of sexual harassment: (1) quid pro quo sexual harassment; and (2) hostile environment sexual harassment.
Types of Sexual Harassment

Quid Pro Quo

• Occurs when a housing provider requires a person to submit to an unwelcome request to engage in sexual conduct as a condition of obtaining or maintaining housing or housing-related services. For example:
  • A landlord tells an applicant he won’t rent her an apartment unless she has sex with him.
  • A property manager evicts a tenant after he/she refuses to perform sexual acts.
  • A maintenance man refuses to make repairs unless a tenant gives him nude photos of his/herself.
Types of Sexual Harassment (contd.)

Hostile Environment

Occurs when a housing provider subjects a person to severe or pervasive unwelcome sexual conduct that interferes with the sale, rental, availability, or terms, conditions, or privileges of housing or housing-related services, including financing. For example:

- A landlord subjects a tenant to severe or pervasive unwelcome touching, kissing, or groping.
- A property manager makes severe or pervasive unwelcome, lewd comments about a tenant’s body.
- A maintenance man sends a tenant severe or pervasive unwelcome, sexually suggestive texts and enters her apartment without invitation or permission.
Challenges in Finding Housing: Criminal Background

• A blanket “no arrests” or “no convictions” policy violates the Fair Housing Act because it has a discriminatory effect on people of color in Connecticut and nationally
  • A narrower prohibition that excludes any person with only certain types of convictions may still violate the Fair Housing Act

• An individualized assessment is likely to have a less discriminatory effect than a blanket policy

• Evaluating a prospective tenant’s criminal record:
  • When was the offense?
  • What is the nature and severity of the offense?
  • What has happened since the offense occurred?
Question One: When Was The Offense?

- How old was the prospective tenant at the time of the offense?
- How much time has passed since the offense occurred?
- Has anything changed since the offense?
Question Two: What is the Nature and Severity of the Offense?

- What was the nature and severity of the offense?
- Was the offense violent or non-violent?
- Mitigating factors?
- Was the conviction related to drugs?

➢ The Fair Housing Act does not protect a person who has been convicted of manufacturing or distributing drugs or those who have a lifetime registration requirement for a sex offense.
➢ An arrest should never disqualify someone from housing.
Question Three: What Happened Since the Offense Occurred?

Look at the prospective tenant’s behavior since the conviction:

• Evidence that their life has changed?
• References from housing provider, case worker, parole officer
• Success in programs or in the community
• Rental history before or after incarceration
Was the offense related to a disability?

• Consider asking for a reasonable accommodation to ask the housing provider to ignore the criminal record.
• Examples: Drug or alcohol addiction, health issues
• Evidence: document the connection between the disability and the criminal record
• Ask for a “reasonable accommodation” in writing
Tips:

• Consider running a criminal background check yourself to be sure it’s accurate.

• Don’t disclose criminal record during the initial phone call.

• Bring a friend to view the unit – they might be a witness.

• Consider speaking to housing provider about your past if you want the apartment.

• Prepare a letter after to explain any mitigating factors regarding the offense.
“If incarceration had come to define the lives of men from impoverished black neighborhoods, eviction was shaping the lives of women. Poor black men were locked up. Poor black women were locked out.” – Matthew Desmond

The top 10 evicting housing providers in our metro regions are predominantly in hyper segregated census tracts.

Public housing authorities are often the highest evicting housing provider in a city.

In Connecticut 20,000 evictions were filed in 2019.

In CT 70% of Black families rent their homes, which means they will be overwhelmingly represented as defendants in the state’s ongoing eviction crisis.
Challenges in Finding Housing: Eviction Record

- Housing provider must give Notice to Quit (intention to evict)
- Immediately contact Legal Services for help: (800) 453-3320
- NOTE: Eviction record does not expire
- Factors to consider
  - Length of time since eviction
  - Reason for eviction
  - Current rental history
If a tenant receives eviction papers, they should:

<table>
<thead>
<tr>
<th>Apply for Legal Assistance</th>
<th>Respond by Any Deadlines</th>
<th>Apply for Rental Assistance</th>
<th>Document Everything</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free legal help is available but limited. Apply right away!</td>
<td>Carefully read everything and respond by the deadline on the paper. Responding will give you a chance to prevent the eviction or get more time to move. If you don’t respond or miss a court event, you will automatically lose!</td>
<td>It is very important to seek rental assistance as early as possible. The landlord might be more willing to accept rental assistance and stop the eviction earlier in the process.</td>
<td>Document any communications with your landlord. Save letters, notices, emails, texts, or voicemails you receive or send. Remember to get a receipt for every payment you make!</td>
</tr>
</tbody>
</table>
How to Apply for Legal Assistance

• Call the **Statewide Legal Services (SLS)** hotline:
  
  • **1-800-453-3320** (Monday – Friday, 9 am to 12 pm & 1 to 2 pm)
  
  • If eligible, SLS may be able to connect the tenant with a lawyer who can represent them or offer legal advice on what they can do on their own.
Challenges in Finding Housing: Credit History

- Request a free copy of your credit report at annualcreditreport.com
- Review reports & anything in collection for inaccuracies
- Call debtors and make plans for repayment
- Seek a reputed credit counseling service
- See if any debt is due to medical bills
Challenges in Finding Housing: Lawful Source of Income

• It is illegal to deny anyone housing if they are using a subsidy to pay their rent (Section 8, SSI, SSDI).

• Housing providers often find another way to deny housing when they learn the prospective tenant has a subsidy.

• We encourage clients not to disclose that they are using a subsidy until they are applying for the unit.

• We encourage case workers to assist clients with asking housing providers to not consider credit or income if they have a housing subsidy.
Recommendations

• Document any communications with your landlord: Save any letters, notices, emails, texts, or voicemails you receive or send
• Seek help if you need assistance or if believe you have been discriminated against; call us!
• Do not ignore any eviction papers or hearing notices you get from the court – you should follow the instructions for responding or attending a hearing
Contact Us

- Connecticut Fair Housing Website: www.ctfairhousing.org
- Intake Line (860) 247-4400 (English/Spanish)
- Toll Free Line (888) 247-4401 (Translators available)
- Report online by visiting:
  - www.ctfairhousing.org/report-housing-discrimination
- COVID-19 Resources:
  - www.ctfairhousing.org
- Disability Reasonable Accommodation Letter Generator
  - www.ctfairhousing.org/raletters/
- Moving Forward Guide
  - www.ctfairhousing.org/movingforward/