

Memorandum



CITY OF DALLAS

DATE October 30, 2015

TO Housing Committee Members: Scott Griggs, Chair, Carolyn King Arnold, Vice-Chair, Mayor Pro-Tem Monica R. Alonzo, Tiffinni A. Young, Mark Clayton, and Casey Thomas, II

SUBJECT Fair Housing Enforcement

On Monday, November 2, 2015, you will be briefed on Fair Housing Enforcement. A copy of the briefing is attached.

Please let me know if you have any questions.

A handwritten signature in blue ink, appearing to read 'Alan E. Sims'.

Alan E. Sims
Chief of Neighborhood Plus

c: The Honorable Mayor and Members of the City Council
A. C. Gonzalez, City Manager
Rosa A. Rios, City Secretary
Warren M.S. Ernst, City Attorney
Craig Kinton, City Auditor
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager
Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P. E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor and Council

FAIR HOUSING ENFORCEMENT

HOUSING COMMITTEE
November 2, 2015

BEVERLY DAVIS, ASST. DIRECTOR, FAIR HOUSING AND HUMAN RIGHTS



LEGAL AUTHORITY

- Fair Housing Act of 1968: Federal law which prohibits discrimination in housing and housing related services
- Dallas City Code Chapter 20 A: Fair Housing Ordinance which mirrors the federal law
- Dallas City Code Chapter 46: City of Dallas Ordinance which prohibits discrimination in housing, public accommodations and employment

PROTECTED CLASSES

- **Original Protected Classes:** race, color, national origin, and religion
- **Amendments to the Federal Fair Housing Act**
 - Sex Discrimination (1974)
 - Familial Status and Handicap Discrimination (1988)
- **Current Protected Classes**
 - Race
 - Color
 - National Origin
 - Religion
 - Familial Status
 - Sex
 - Handicap
 - *Sexual Orientation (Dallas Ordinance Only)

FACTORS NOT PROTECTED

Common factors not protected by the Federal Fair Housing Act or local ordinance:

- Immigration Status
- Citizenship Status
- Credit History
- Rental History
- Criminal History
- Marital Status
- Age
- Income Status or Source of Income
- Landlord/Tenant Issues

PROHIBITIONS

In the Sale and Rental of Housing: no one may take any of the following actions based on race, color, national origin, religion, sex, familial status, handicap, or sexual orientation:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for the sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental
- Steering individuals to or from a residence, because of their membership in a protected class

PROHIBITIONS (cont'd)

- Refuse to let resident make reasonable modifications to their dwelling or common use areas, at their expense, if necessary to afford person(s) with disabilities equal opportunity to use and enjoy a dwelling.
- Refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford person(s) with disabilities equal opportunity to use and enjoy a dwelling.
- Advertise or make any statement that indicates a limitation or preference based on a protected class.
- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right.

COMPLAINT PROCESS

- **Complaint and Enforcement Process**
 - Intake and Analysis
 - Establish Jurisdiction
 - ❖ Must be within the Dallas City limits
 - ❖ Must be a matter covered by the law
 - ❖ One year statute of limitations to file a complaint
 - Assign complaint to Fair Housing Investigator for investigation
 - Attempt Conciliation
 - Develop Final Investigative Report (FIR) and recommend Cause or No Cause
 - Final Determination made by the City Attorney's Office
 - Judicial vs. Administrative

COMPLAINT DATA

Fair Housing Closed Case Status Report Number of Closed Cases [October 2007 – September 2015]

Basis	Number of Closed Cases
Disability (Handicapped)	205
Race	206
Familial Status	9
National Origin	81
Multiple Bases	150
Other	72
Total	723

OTHER ORGANIZATIONS INVOLVED IN FAIR HOUSING

- United States Department of Housing and Urban Development
 - *October 2014 HUD Settled Case with Wells Fargo for lending discrimination against women who were pregnant or on maternity leave*
- Texas Workforce Commission (TWC)
- National Fair Housing Alliance (NFHA)
 - *Filed lawsuits against several financial institutions after the Housing Crisis for disparity of maintenance of foreclosed real estate in minority neighborhoods*
- North Texas Fair Housing Center
 - *Non-Profit that conducts testing throughout the metroplex*
- Inclusive Communities Project (ICP)
- The following cities:
 - Fort Worth
 - Garland