

2015 Kentucky Affordable Housing Conference April 9, 2015

City of Dayton Human Relations
Council

Joshua Ward, Civil Rights
Investigator

HUMAN
RELATIONS
COUNCIL



CITY OF DAYTON

Many people.
Many voices.
One city.



The City of Dayton Human Relations Council was founded in 1962. Initially a Civil Rights agency, focused on preventing and redressing discrimination.



City of Dayton Human Relations Council

- Since 1962, we have grown tremendously, largely because our mission required it. Discrimination was no longer a black and white issue, and it no longer took place in traditional ways.
 - Became more systemic and undetectable.



City of Dayton Human Relations Council

- Mission Statement:
 - The mission of the Human Relations Council is to promote a culture and ensure fair treatment and equal access to opportunities for all who live, work, play and gather in the City of Dayton.



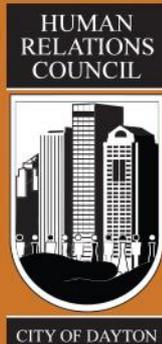
City of Dayton Human Relations Council

- Three Focus Areas:
 - Community Relations
 - Business and Technical Assistance
 - Civil Rights



Civil Rights Program

- Jurisdiction:
 - Type:
 - Housing (Fair Housing)
 - Employment
 - Public Accommodations
 - Credit Transactions
 - Geographic:
 - Discrimination must have occurred within the City of Dayton



Civil Rights: Fair Housing

- Substantially equivalent agency
 - Designation given by the Department of Housing and Urban Development (HUD).
 - Means that the City's ordinance, administrative processes and judicial proceedings for addressing housing discrimination is comparable to Federal law regarding housing discrimination.
 - HRC is responsible for the administration and enforcement of Section 32.05 of the City of Dayton's Revised Code of General Ordinances.
 - Funding from HUD to investigate housing discrimination complaints

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Civil Rights: Protected Classes

- Race
- Color
- Religion
- Sex
- National origin
- Familial Status
- Disability
- Age
- Marital Status
- Sexual Orientation
- Gender Identity
- Ancestry

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Fair Housing

- Housing choice and opportunity is critical, because it affects almost every other aspect of life:
 - Education
 - Employment
 - Finances
 - Safety
 - Health

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Fair Housing Enforcement

- Investigation of complaints of unlawful housing discrimination
 - Bona Fide Complainants
 - Testing Complaints

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Affirmatively Furthering Fair Housing

- Housing and Community Development Act of 1974 requires that recipients of HUD Funding (Community Development Block Grant grantees) certify to HUD:
 - That the awarded grant is carried out and administered according to the Fair Housing Act
 - That the grantee works diligently to affirmatively further fair housing
- This Certification is usually done through the Consolidated Plan (every 5 years for most jurisdictions, including Dayton).



Affirmatively Furthering Fair Housing

HUD Funding recipients must:

1. Examine and attempt to alleviate housing discrimination within jurisdiction
2. Promote fair housing choice for all persons
3. Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status, or national origin
4. Promote housing that is accessible to and usable by persons with disabilities
5. Comply with the non-discrimination requirements of the Fair Housing Act.



Affirmatively Furthering Fair Housing

- State and Entitlement recipients required to sign a certification to affirmatively further fair housing upon receipt of funds.
- Fair Housing Planning:
 - Analysis of Impediments (AI) to Fair housing choice
 - Actions to cover the effects of the identified impediments
 - Maintenance of records to support



Affirmatively Furthering Fair Housing

- What happens if you don't do it?
 - *United States ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County New York*. 668 F.Supp.2d 548
 - False Claims Act suit based on the county's certifications that they were affirmatively furthering fair housing
 - County claimed that it had no obligation to consider race when analyzing AI to fair housing choice.
 - Court disagreed, and denied motion for summary judgment



Affirmatively Furthering Fair Housing

- *Westchester County (cont.)*
 - Result: Settlement Agreement with HUD:
 - \$30 Million paid to the United States to settle False Claims Act allegations:
 - \$21.6 Million of which paid into County's account with HUD, which HUD will make available for the development of new affording housing units which Affirmatively Further Fair Housing
 - Remaining \$8.4 Million paid directly to United State Government
 - \$2.5 Million in attorneys' fees
 - Development of 750 new affordable housing units within seven(7) years
 - Stipulations on where they could be built that affirmatively further fair housing
 - Financial support of a monitor to ensure compliance with settlement terms



Affirmatively Furthering Fair Housing

- Other entitlement jurisdictions that HUD has taken action against:
 - Aurora (IL) Housing Authority
 - Dallas, TX
 - Dubuque, IA
 - Galveston, TX
 - Jefferson Parish, LA
 - Joliet, IL
 - Houston, TX
 - Marin County, CA
 - Nebraska
 - New Jersey (Hurricane Sandy)
 - St. Bernard Parish, LA
 - Sussex County, DE
- <http://www.nationalfairhousing.org/publicpolicy/affirmativelyfurtheringfairhousing/tabid/4261/default.aspx>

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Affirmatively Furthering Fair Housing

- What have we done in Dayton?
 - Local Housing Services Collaborative
 - Organized by Access Center for Independent Living Services in Dayton, Ohio. Collaborative includes City of Dayton Planning Department, Human Relations Council, local Advocates, local housing providers. Discussion about barriers to housing choice for those living with disabilities, and development of a plan to address those barriers.
 - Fair Housing Mentors
 - Specifically address housing and other issues for immigrants and refugees.

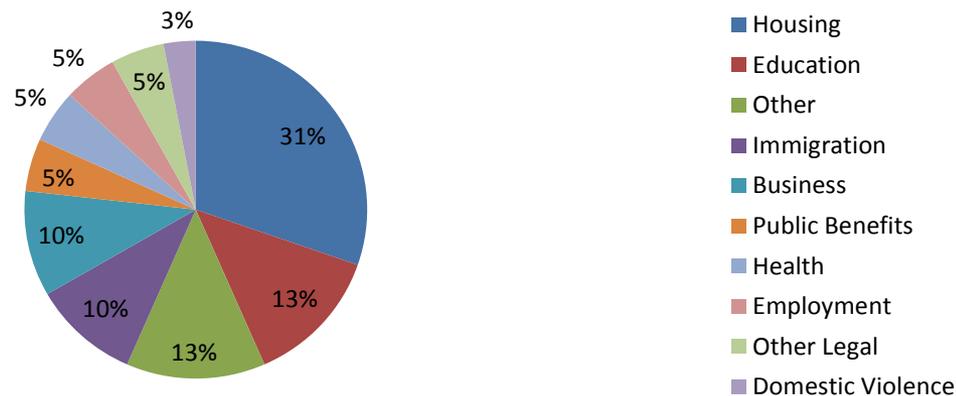


Fair Housing Mentors

- Recognition that immigrant and refugee communities are very hard to reach.
 - Heavily focused on education, outreach, building relationships in and connection to resources.

Fair Housing Mentor Cases and Referrals (134 total)

August 2014-March 2015



Contact Information

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