


**Group Homes, Land Use and  
Reasonable Accommodations under  
the Fair Housing Act**

Carol Johnson, Executive Director  
Arkansas Fair Housing Commission

September 27, 2011  
Jonesboro, Arkansas



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**What is the  
Arkansas  
Fair Housing  
Commission?**

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**The Arkansas Fair Housing  
Commission is a quasi-judicial,  
regulatory, enforcement agency that  
works in conjunction with the U.S.  
Department of Housing and Urban  
Development to enforce federal and  
state fair housing laws in Arkansas.**

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Mission of the  
Arkansas Fair Housing  
Commission...



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Mission

...to receive, investigate, conciliate  
and/or resolve complaints alleging  
violations of the Arkansas Fair  
Housing Act and the Federal Fair  
Housing Act which prohibit  
discrimination on the basis of...

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Mission, Cont.

Race, Color, National Origin,  
Religion, Sex, Disability and Familial  
Status (including children under the  
age of 18 living with parents of legal  
custodians, pregnant women and  
people securing custody of children  
under the age of 18)....

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Mission, Cont.

...to cooperate with and provide technical and other assistance to federal, state, local and other public or private entities that are formulating or operating programs to prevent or eliminate discriminatory housing practices; and to establish an education and outreach program to prevent discriminatory housing practices.

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Jurisdiction

The Arkansas Fair Housing Commission investigates complaints of discriminatory housing practices throughout the state.

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Federal versus State fair housing legislation

The Arkansas Fair Housing Act of 2001, as amended in 2003, Ark. Code Ann. §§ 16-123-301 et. seq.

is substantially equivalent to the Federal Fair Housing Act 42 USC §§ 3601 et. seq.

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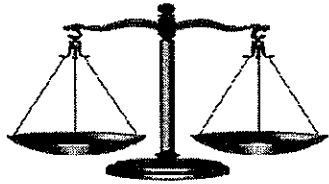
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**WHAT CONSTITUTES A  
FAIR HOUSING COMPLAINT ?**



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Discriminatory housing practices can take many different forms, including allegations of fair housing violations based on:

- Fair Lending
- Predatory Lending
- Redlining and Blockbusting.....

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Reasonable Accommodations and Reasonable Modifications (for persons with mental and/or physical disabilities)

AND...

Retaliation against someone who is exercising a fair housing right.

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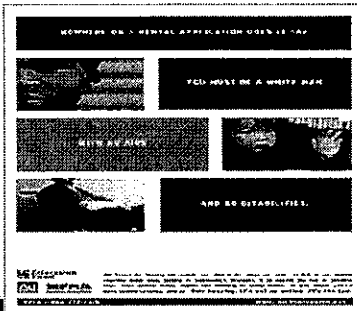
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### Rental Application AD



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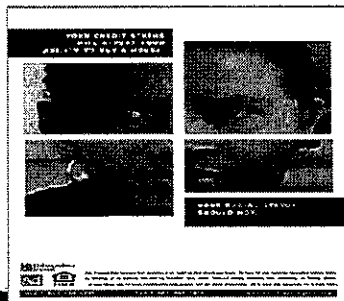
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### Credit Application Ad



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### Forms of housing discrimination



- › Charging the person a higher security deposit and/or rent than other tenants that do not belong to that protected class
- › Segregating apartment complexes by putting all African Americans in one building, all Latinos in another building and all white tenants in a third
- › Instituting a policy that people with disabilities can only live on the first floor
- › Refusing to do repairs or provide services to tenants of a particular protected class while providing those services to other tenants

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Forms of housing discrimination



- › Offering unequal terms in mortgage rates, services or home insurance based on the applicant's protected class
- › Neighborhood hate campaigns aimed at intimidating neighbors of color to leave the community
- › Potential neighbors intimidating real estate professionals who show homes to people of color

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Discrimination techniques—  
which may not be so obvious,  
but *still* are acts of  
discrimination....

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Linguistic Profiling—hearing a  
person's voice and discriminating  
because you believe the person is  
of a particular race, national  
origin or sex.

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Advertisements for leasing or selling of homes, which are designed for a particular "target" (market).

(e.g.) "No small children"  
(New Orleans case)  
"English speaking only please"  
(Las Vegas case)

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What are the "seven" protected classes?



Why do these "classes" exist?

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Race, Color, National Origin, Religion,  
Disability, Sex and Family Status

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Historically, disadvantaged people have been the victims of discriminatory housing practices. Laws were put into place to protect those housing rights. Potentially "everyone" is a member of a protected class.

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**What is Race Discrimination?**

Race discrimination involves treating someone unfavorably because he/she is of a certain race or because of personal characteristics associated with race (such as hair texture or certain facial features).

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**What is Color Discrimination?**

Color discrimination involves treating someone unfavorably because of skin color or complexion. (e.g.) African American w/light complexion vs. African American w/darker complexion.

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**What is National Origin Discrimination?**

This involves treating someone unfairly because of his/her place of origin or ancestry, or because the person has the physical, cultural or linguistic characteristics of a specific or particular national origin group.

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**What is Religious Discrimination?**

Discrimination based upon religion involves treating someone unfairly because of his/her religious observance, practices and beliefs.

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**What is Familial Status Discrimination?**

Refusing to rent to families with children or imposing different terms and conditions on those tenants. It also applies to women who are pregnant or families who may be trying to adopt.

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**What is Sex Discrimination?**

Treating a person unfavorably because of their gender (male or female).  
(e.g.) refusing to lease or sell to a person of a particular sex; or to single women, (though one rents to single men); and

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**Sexual Harassment**

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What is Disability Discrimination?

It is treating a person unfavorably because of his/her physical or mental disability.

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Disability Discrimination, cont.

It also includes the failure to properly design and construct a dwelling in a manner consistent with ADA or Fair Housing Act Design Standards which would allow a person with a physical disability to enjoy the full use and benefit of a property.

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Disability Discrimination, cont.

What is the definition of a disability under the Fair Housing Act?

Any impairment which substantially limits one or more major life activities.

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**Disability Discrimination, cont.**

Who is considered disabled?

- (1) individuals with a physical or mental impairment that substantially limits one or more major life activities;
- (2) individuals who are regarded as having such an impairment; and
- (3) individuals with a record of such an impairment.

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HIV.

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**Disability Discrimination, cont.**

What constitutes a "major life activity"?

Includes: caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks and learning, such disabilities as AIDS, blindness or visual impairment, cancer, deafness or hearing impairment, diabetes, heart disease and mental illness...

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**Disability Discrimination, cont.**

What is a "major life activity"?

In short, a disability impairment is *anything* which substantially limits at least one major live activity. It *does not* need to rise to the same level of disability as a Social Security determination of disability.

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**Reasonable Accommodations**



**Reasonable Modifications**

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**Guidance**

❖ HUD/DOJ Joint Statement on Group Homes, Local Land Use and the Fair Housing Act

❖ HUD/DOJ Joint Statements on Reasonable Accommodations/ Modifications under the Fair Housing Act

Statutory law ----- Case Law

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**Reasonable Accommodation**

A deviation from a rule, policy, practice or service when necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling. A request for a reasonable accommodation may be made at any time during the tenancy and it is unlawful for a housing provider to refuse to grant a reasonable accommodation when necessary to afford persons with disabilities full enjoyment of the premises.

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Reasonable Modification

A structural change made to existing premises, occupied or to be occupied, by a person with a disability, to afford such person full enjoyment of the premises. It can include structural changes to interiors and exteriors of dwellings and to common and public use areas. A request for a reasonable modification may be made at any time during the tenancy and it is unlawful for a housing provider or homeowners' association to refuse to allow a reasonable modification when such a modification may be necessary to afford persons with disabilities full enjoyment of the premises.

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HUD/DOJ Joint Statement on Group Homes,  
Local Land Use and the Fair Housing Act

The FHAct applies to municipalities and other local government entities and prohibits them from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities.

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HUD/DOJ Joint Statement on Group Homes,  
Local Land Use and the Fair Housing Act

The FHAct makes its illegal to..

Utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons. An example would be an ordinance prohibiting housing for persons with disabilities or a specific type of disability, such as mental illness, from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area.

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HUD/DOJ Joint Statement on Group Homes,  
Local Land Use and the Fair Housing Act

The FHAct makes its illegal to..

Take action against, or deny a permit, for a home because of the disability of individuals who live or would live there. An example would be denying a building permit for a home because it was intended to provide housing for persons with mental retardation.

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HUD/DOJ Joint Statement on Group Homes,  
Local Land Use and the Fair Housing Act

The FHAct makes its illegal to..

Refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.

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HUD/DOJ Joint Statement on Group Homes,  
Local Land Use and the Fair Housing Act

What constitutes a reasonable accommodation is a case-by-case determination.

Request may not be reasonable if it:

- ❖ Imposes an undue financial or administrative burden on a local government, or
- ❖ creates a fundamental alteration in a local government's land use and zoning scheme

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**HUD/DOJ Joint Statement on Group Homes,  
Local Land Use and the Fair Housing Act**

The Fair Housing Act does not protect persons who currently use illegal drugs, persons who have been convicted of the manufacture or sale of illegal drugs or persons with or without disabilities who present a direct threat to the persons or property of others.

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**HUD/DOJ Joint Statement on Reasonable  
Accommodations under the Fair Housing Act**

The FHAct prohibits the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.

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**HUD/DOJ Joint Statement on Reasonable  
Accommodations under the Fair Housing Act**

The FHAct prohibits housing providers from refusing residency to persons with disabilities, or placing conditions on their residency, because those persons may require reasonable accommodations.

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HUD/DOJ Joint Statement on Reasonable  
Modifications under the Fair Housing Act

The FHAct also requires that housing providers allow residents to make reasonable structural modifications to units and public/common areas in a dwelling when those modifications may be necessary for a person with a disability to have full enjoyment of a dwelling.

Under Section 504 of the Rehabilitation Act, housing providers must bear this expense.

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HUD/DOJ Joint Statement on Reasonable  
Accommodations/Modification under  
the Fair Housing Act

The FHAct the Act applies to privately and publicly owned housing, including housing subsidized by the federal government or rented through the use of Section 8 voucher assistance.

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HUD/DOJ Joint Statement on Reasonable  
Accommodations/Modification under  
the Fair Housing Act

Courts have applied the FHAct to individuals, corporations, associations and others involved in the provision of housing and residential lending, including property owners, housing managers, homeowners, condominium associations, lenders, real estate agents and brokerage services.

AND... to state and local governments - most often in the context of exclusionary zoning or other land-use decisions.

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### Fair housing Case law



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*King's Ranch of Jonesboro, Inc. v. City of Jonesboro, 2011 U.S. Dist. Lexis 44487 (E.D. Ark. April 25, 2011)*

On April 26, 2010, King's Ranch of Jonesboro, Inc., an Arkansas nonprofit corporation, sued the City of Jonesboro, Arkansas, for violations of the Fair Housing Act, 42 U.S.C. §§ 3604(f)(1)-(3) (2006) after the City of Jonesboro denied housing to handicapped children by refusing its request to waive the definition of "family" in its zoning resolution so that King's Ranch could house eight children and two house parents in a single family unit.

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*King's Ranch of Jonesboro, Inc. v. City of Jonesboro, 2011 U.S. Dist. Lexis 44487 (E.D. Ark. April 25, 2011)*

In February 2008, King's Ranch purchased 10.57 acres located at 2816 Day Drive, Jonesboro, Arkansas, to operate as a group home and house for up to eight unrelated abused, neglected and abandoned children (aged between 6 and 12) and two full-time houseparents.

The property is located in Jonesboro's R-1 residential zoning district and contains a 4,900 square foot brick home.

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*King's Ranch of Jonesboro, Inc. v. City of Jonesboro , 2011 U.S. Dist. Lexis 44487 (E.D. Ark. April 25, 2011)*

Pursuant to the city's zoning resolution, a group of more than five unrelated persons living together in a single family home must obtain a conditional use permit to reside in the city's R-1 district as a "group residential." The resolution defines "group residential" as "[t]he use of a site for occupancy by groups of more than five (5) persons, not defined as a family. Typical uses include fraternity or sorority houses, dormitories, residence halls and boarding or lodging houses."

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*King's Ranch of Jonesboro, Inc. v. City of Jonesboro , 2011 U.S. Dist. Lexis 44487 (E.D. Ark. April 25, 2011)*

The Metropolitan Area Planning Commission denied King's Ranch a conditional use permit to operate as a group residential. King's Ranch appealed the decision to the Jonesboro City Council which also denied the appeal after residents expressed opposition to the group home in their neighborhood.

King's Ranch made two separate reasonable accommodation requests to the City asking it to waive its definition of "family" as it applied to King's Ranch's proposed use so that it could operate the group home.

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*King's Ranch of Jonesboro, Inc. v. City of Jonesboro , 2011 U.S. Dist. Lexis 44487 (E.D. Ark. April 25, 2011)*

The City of Jonesboro defined "family" as "[o]ne or more persons related by blood, marriage or adoption, or a group of not more than five (5) unrelated persons living together and subsisting in common as a single, non-profit housekeeping unit utilizing only one kitchen."

The City denied King's Ranch's request for a reasonable accommodation under the Fair Housing Act.

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*King's Ranch of Jonesboro, Inc. v. City of Jonesboro, 2011 U.S. Dist. Lexis 44487 (E.D. Ark. April 25, 2011)*

The Court made the following findings:

---The City of Jonesboro violated the FHAct when it refused to make reasonable accommodations in its zoning policies when such accommodations were necessary to afford the handicapped individuals who will live at King's Ranch an equal opportunity to use and enjoy the home. See 42 U.S.C. § 3604(f)(3)(B).

---Handicapped individuals who will live at King's Ranch are entitled to reasonable accommodation in the zoning policies in order to afford them an equal opportunity to use and enjoy the home.

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*United States v. Dalton Township (W.D. Mich. February 10, 2011)*

The complainant, filed on July 28, 2010, alleged that that the Township violated the Fair Housing Act and Title II of the Americans with Disabilities Act by failing to grant a reasonable accommodation to a group home for nine males recovering from drug and alcohol addiction. Under the terms of the consent decree, the sober home is allowed to operate and provides for \$55,000 in damages to the owner of the property and a \$7,500 civil penalty to the United States.

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*United States v. Polk County (M.D. Fla. December 21, 2010)*

A consent decree in the case involving disability discrimination against a group home which housing homeless men recovering from alcohol and drug addictions. The consent decree provides for \$280,000 to New Life Outreach Ministries, Inc., \$80,000 for aggrieved persons identified by the Department of Justice and a \$40,000 civil penalty. It also provides for comprehensive injunctive relief (operation of the group home) and training for Polk County's Board of Commissioners.

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*United States v. City of Satsuma*  
(S.D. Ala. September 16, 2010)

The DOJ brought suit against the city when it failed to grant a reasonable accommodation to allow a group home for three women with intellectual and developmental disabilities. The settlement requires the defendants to pay \$59,500 to aggrieved persons and a \$5,500 civil penalty. The city has also adopted a reasonable accommodation policy and other amendments to its zoning ordinance and business license law to prevent future discrimination.

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*United States Oxford House Inc. v. Town of Garner* (E.D.N.C. January 11, 2011)

The complaint alleges that the town of Garner violated the Fair Housing Act by refusing to allow up to eight men recovering from drug and alcohol addictions to live together as a reasonable accommodation for their disabilities. The home is chartered by Oxford House Inc., a non-profit organization that assists in the development of self-governing houses in which persons in recovery support one another's determination to remain sober.

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*United States Oxford House Inc. v. Town of Garner* (E.D.N.C. January 11, 2011)

Under the consent decree, the defendants will pay \$105,000 in monetary damages to Oxford House and a \$9,000 civil penalty. It also requires the town to grant the reasonable accommodation requested by Oxford House, submit periodic reports to the government and train town officials on the requirements of the Fair Housing Act. The town also amended its zoning code to establish a procedure for addressing future requests for reasonable accommodations.

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**United States v. Adams  
(W.D. Ark)**

*United States v. Adams* – on October 1, 2007, the U.S. Department of Justice (DOJ) settled a pattern and practice lawsuit filed against the owners and managers of Phoenix Village Apartments in Fort Smith, Arkansas, for familial status discrimination as a result of paired tests administered by the DOJ.

The DOJ alleged that between January and April of 2007, it performed fair housing tests in which paired individuals with similar characteristics (except for race, color and familial status) visited the Phoenix Village rental office in Fort Smith, AR, inquired about the availability of two-bedroom units and were denied housing based on their family status.

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**United States v. Adams  
(W.D. Ark) Damages**

The Federal District Court in the Western District of Arkansas ordered Phoenix Village Apartments to place \$165,000 in escrow to be held for potential housing discrimination, to pay \$20,000 in civil penalties and to adhere to posting and other fair housing record-keeping practices to include:

- ▶ A daily availability list of all units known to be available or expected to be available within thirty (30) days to include the monthly rent and security deposit for each unit to be shared with potential tenants;
- ▶ Guest cards of all potential tenants who visit the location;
- ▶ A waiting list of potential tenants who inquire by phone or in person; and
- ▶ A rental application log

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**United States v. Big D. Enterprises, Inc  
(W.D. Ark)**

A jury found that Big D. Enterprises, Inc., and its owner, Edwin Dooley, discriminated against prospective African American tenants at three Fort Smith, Arkansas, apartment complexes.

In this case, the respondents refused to rent to a white female because she had an African American biracial child.

The jury awarded a total of \$101,000 in compensatory and punitive damages.

That award was affirmed by the 8<sup>th</sup> Circuit Court of Appeals. See *U.S. v. Big D. Enterprises, Inc.*, 184 F3rd. 924 (8<sup>th</sup> Cir. 1999).

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*United States v. Deer Run Management co., Inc, et al*  
(W.D. Ark)

The DOJ entered into a Consent Decree with Deer Run Management Company in 2004 to satisfy its lack of accessible housing in compliance with the Arkansas Fair Housing Act and the American With Disabilities Act.

The Justice Department identified violations in the exterior sites, apartment units and the complex's amenities. The agreement will affect more than 4,000 ground floor apartment in 34 housing complexes in Arkansas, Texas, Oklahoma, Missouri, Tennessee and Kansas.

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*United States v. Deer Run Management co., Inc, et al*  
(W.D. Ark)

New and current tenants will be offered some "super accessible" features, such as roll-in showers for persons who use wheelchairs. The agreement establishes a \$1.2 million fund to compensate persons who were injured or inconvenienced by the inaccessible housing.

Additionally, company owners, including Fugitt & Associates Architects and Lindsey Construction Company, Inc. of Fayetteville, Arkansas, who designed developed and constructed the complexes, as well as the site engineers, Crafton, Tull & Associates and Bond Consulting Engineers, Inc., will pay a \$30,000 civil penalty or the violation.

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*United States v. Ibbotson* (E.D. Ark)

The DOJ filed suit against the respondent-owner of a single-family trailer home in 2001 for making statements that indicated a preference, limitation or discrimination based on race or color.

The suit also alleged that the defendant threatened the complainants with eviction and intimidated them because they permitted an African American man to visit the defendant's rental property.

A Consent Decree was entered requiring the defendant to pay \$18,000 in compensatory damages to the complainants.

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*United States v. Fred Thomas d/b/a Best western  
Scenic Motor Inn (E.D. Ark)*

The U. S. Department of Justice filed suit alleging violations of public housing accommodations (Title II of the Civil Rights Act of 1964) where the defendants denied lodging to African Americans and other minority guests; provided inferior room accommodations to guests on the basis of race, color, or national origin; and attempted to ascertain the race, color, or national origin of potential guests over the telephone in order to tell minorities that there were no rooms available.

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*United States v. Fred Thomas d/b/a Best western  
Scenic Motor Inn (E.D. Ark)*

The settlement requires the defendants to pay for certain measures that will be undertaken by the new owner of the motel to prevent future discrimination and to remedy the effects of the defendant's past conduct. The measures include but are not limited to training the new owner's employees, voluntary testing, affirmative marketing, and permanently posting nondiscrimination signs.

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*United States v. Hurt (E.D. Ark)*

On March 13, 2009, the U.S. Department of Justice filed suit against Bobby L. Hurt, the former property manager for numerous mobile homes in and around West Memphis, Arkansas, alleging a pattern or practice of sexual harassment.

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*United States v. Hurt* (E.D. Ark)

The complaint alleges that Bobby Hurt, while providing property management services, entered the dwellings of female tenants without permission or notice, touched female tenants in an unwelcome sexual manner, made verbal sexual advances and threatened to and took steps to evict female tenants when they refused or objected to his sexual advances.

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*United States v. Rapp* (E.D. Ark)

On April 6, 2006, the DOJ entered into a consent order where defendants were charged with refusing to rent a house to an Hispanic family on the basis of national origin.

The defendants will pay \$15,500 to the three complainants, including Raquel Rios, her adult son and her minor daughter. In addition, the defendants will attend fair housing training, post fair housing notices and submit to standard injunctive relief. The order also states that the United States may conduct fair housing testing at any dwelling in which any defendant, now or in the future, has a direct or indirect ownership, management or financial interest.

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*United States v. Boyers' Personal Care Homes, et al.*  
(W.D. PA)

The DOJ charged the Defendants with violating the Fair Housing Act by refusing to house an applicant with AIDS based on that disability. The Consent Order requires the defendants to pay \$7,000 to the estate of the applicant (now deceased) and to pay \$2,000 to an AIDS service organization that assisted him in his search for alternate housing. The Order also contains provisions that prohibit future discrimination and requires the defendants to adopt and notify others of its new nondiscrimination policy and requires reporting.

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**Robert G. Franke & Sara Franke Bowling v. Parkstone Living Center, Inc. d/b/a/ Fox Ridge**  
(E.D. Ark)

2009 - Lambda Legal filed suit against Fox Ridge of North Little Rock, alleging that the assisted living facility violated Fair Housing laws by refusing housing to an HIV patient based on his disability.

The lawsuit was filed on behalf of 75-year-old Reverend Dr. Robert Franke, a retired university provost and minister, and his daughter, Sara Franke Bowling.

The case was settled for undisclosed monetary damages.

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**2011 marks the 10<sup>th</sup> anniversary of the Arkansas Fair Housing Act**  
Ark. Code Ann. § 16-123-301 *et. seq.*

In 2010, the Commission:

- Fielded 379 inquiries into suspected fair housing/fair lending violations
- Processed 178 cases throughout the state

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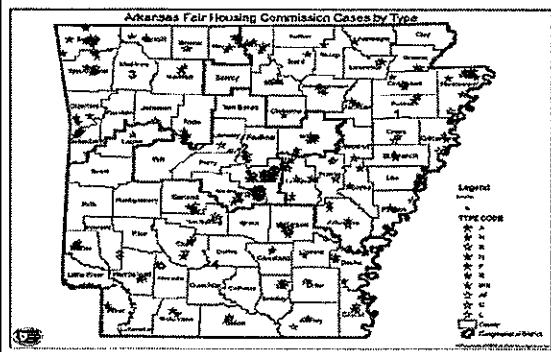
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**Congressional District Case Map**



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An African American was denied the opportunity to view a house for sale in Hot Springs, Arkansas....

Donald was in the market for a new home and solicited real estate agent, Judy Doe. Donald wanted to view a property listed for sale on Lake Hamilton. Judy Doe sent Donald a MLS listing of the property with a map of the area. On the map, Ms. Doe circled the address of the property and wrote, "Good People...Redneck Area". Ms. Doe advertised herself on her website as the "Redneck Realtor". The house was located in an all Caucasian area and Ms. Doe refused to show the property to Donald. The case settled for \$8,500.00.

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A disabled person was denied a reasonable accommodation for his disability in Conway, Arkansas...

Joshua had been on the waiting list for ABC Housing Authority for six months. He was hospitalized due to his disability on the date he was scheduled to interview for housing at ABC Housing Authority. Joshua requested a reasonable accommodation from ABC Housing Authority in the form of allowing him to make up the interview instead of being put at the bottom of the list. ABC Housing Authority denied Joshua's request and placed him at the bottom of the waiting list.

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A disabled person was denied a reasonable accommodation for his disability in Conway, Arkansas....

A subsequent conciliation agreement allowed Joshua to receive housing from ABC Housing Authority without the penalty of being placed at the bottom of the extensive waiting list.

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An African American couple was denied a construction loan because of the racial make-up of the area in Little Rock, Arkansas...

Jeffery and Delisa applied for a home construction loan with ABC Federal Credit Union. Jeffery and Delisa wanted to build a home next to Jeffery's mother's home in a predominately African American neighborhood. ABC Federal Credit Union notified Jeffrey and Delisa that the land would not appraise for the amount needed to build a home - despite the fact that ABC Federal Credit Union never sent an appraiser to determine the property value

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An African American couple was denied a construction loan because of the racial make-up of the area in Little Rock, Arkansas...(con't)

....nor did ABC Federal Credit Union send any other representative to visit the property location or to view the property. The neighborhood contained numerous newly constructed homes. The case subsequently settled for ABC Federal Credit Union:

- (1) Paying for an appraisal (which provided sufficient basis for the requested loan);
- (2) Approving the requested construction loan;
- (3) Paying damages in the amount of \$2,500.00; and
- (4) Attending fair lending training.

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### Best practices



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**BEST PRACTICES**

**Maintain Good Records**

When a fair housing complaint is lodged and filed with HUD and with the AFHC, the investigation process begins.

The parties will have an opportunity to provide information that will affirm or refute the allegations in question.

Maintaining good records is key to ensuring that all necessary information is available and will provide protection when specific housing practices come into question.

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**BEST PRACTICES**

Maintain the following documentation:

- ▶ Availability lists
- ▶ Guest cards
- ▶ Waiting lists
- ▶ Rental application logs
- ▶ All other information that will document your good management practices

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**Availability Lists**

This should be consistently maintained, made available to potential tenants and include:

- ▶ The address and apartment number of each unit known to be available or is reasonably expected to be available for rental within a specific time frame (i.e., thirty (30) days);
- ▶ The monthly rent for each unit;
- ▶ The security deposit for each unit;
- ▶ The date management was first informed that it would be available for rent; and
- ▶ The date that unit will be available for rent to a new tenant.

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### Guest Cards

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Maintain a record of all persons who inquire about rental units to include:

- › The date of the visit;
- › The visitor's name, address, daytime and evening telephone numbers;
- › And include whether that person was provided with an application, shown an apartment, etc.

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### Waiting Lists

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Maintain a record of all persons who inquire about rental units and are informed that there are no current vacancies. This list should include:

- › The date of the visit or telephone call;
- › The visitor's or caller's name, address, daytime and evening telephone numbers;
- › The date the person wishes to move; and
- › Any other relevant information, such as a preference regarding the number of bedrooms.

This list should also note the date, time and employee who informed persons on the waiting list of vacancies and the manner and number in which each attempt was made.

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### Rental Application Logs

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Maintain a daily record of:

- › Applicant's name;
- › Whether the application was approved or rejected;
- › The building and unit number occupied for each approved tenant; and
- › A detailed explanation for all rejected applicants.

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**PENALTIES FOR ACTS OF  
DISCRIMINATION:**

Ark. Code Ann. § 16-123-332

1<sup>st</sup> offense: up to \$11,000.00

2<sup>nd</sup> offense: up to \$27,500.00

3<sup>rd</sup> offense: up to \$55,000.00

Also, respondents can be required to complete up to 30 hours of fair housing education courses and/or up to 30 hours of community service.

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**FAIR HOUSING QUIZ**

True or False

1. The purpose of the civil rights laws that affect the real estate industry is to make everyone equal.
2. Failing to comply with state and federal fair housing laws may subject a licensee to both fines and disciplinary action.
3. The Civil Rights Act of 1968 applies only to race.
4. Under HUD regulations, a "dwelling" is limited to single family houses, condominiums and cooperatives.

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**FAIR HOUSING QUIZ**

5. The fair housing law under the "disabled persons" Classification protects persons with AIDS.
6. There are no exemptions under the state/federal Fair Housing Act.
7. The protections under the Equal Credit Opportunity Act (ECOA) are broader than those under the Fair Housing Act.
8. The ADA's specific requirements for making curb ramps, elevators and other spaces accessible for people with disabilities are contained in the "Accessibility Guidelines".

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**FAIR HOUSING QUIZ**

- 9. Redlining is the act of encouraging people to sell or rent their homes on the basis that entry of members of a protected class into the neighborhood will reduce property values.
- 10. Channeling home seekers to a particular neighborhood based on non-economic factors is an illegal practice known as steering.
- 11. There are no exceptions to HUD's rules regarding statement of preference or limitations in advertising regarding race.

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**FAIR HOUSING QUIZ**

- 12. While not valid consideration for the underlying real estate transaction, the following factors may be considered by an appraiser in evaluating a property: race, color, religion, national origin, sex, disability and familial status.
- 13. Any individual who believes he/she is the victim of illegal discrimination in a real estate transaction may file a complaint with HUD within three years of the alleged act.

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**FAIR HOUSING QUIZ**

- 13. Failure to prominently display the Equal Housing Opportunity poster is presumed to be evidence of discriminatory practices.
- 14. April is National Fair Housing Month.

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Answers

(1.) F; (2.) T; (3.) F; (4.) F;  
(5.) T(6.) F; (7.) T; (8.) T;  
(9.) F; (10.) T; (11.) T;  
(12.) F; (13.) F; (14.) T; (15.) T

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*"Golden Rule"* still applies today:

*"Treat everyone as you  
want to be treated."*

Why?

Then *"everyone"* will be  
treated fairly.

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**Resources**

Arkansas Fair Housing Commission  
Carol Johnson, Executive Director  
101 E. Capitol Avenue, Suite 212  
Little Rock, Arkansas 72201  
1.501.682-3247 (FAIR)  
[www.fairhousing.arkansas.gov](http://www.fairhousing.arkansas.gov)

▸ U.S. Dept. of Housing and Urban Development  
[www.hud.gov](http://www.hud.gov)

▸ U.S. Department of Justice  
[www.doi.gov](http://www.doi.gov)

▸ USDA Rural Development  
[www.usda.gov](http://www.usda.gov)

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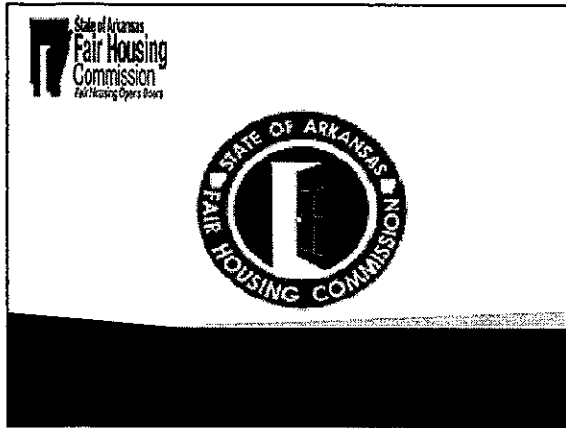
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