

Jurisdictional Compliance with Fair Housing in the aftermath of Disasters



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Know This First

- “Although the Department of Housing and Urban Development does not have the authority to require its partners to develop emergency preparedness plans, we strongly encourage that this toolkit be used to assist fair housing advocates and professionals to begin the dialogue on emergency preparedness within their agencies and to use this toolkit to ensure that fair housing becomes an essential component of state and local disaster plans nationwide.”
- Use the Fair Housing Office of Equal Opportunity (FHEO) Disaster Toolkit found at https://www.hud.gov/sites/documents/DOC_7744.PDF



Fair Housing and Disaster Supplemental Appropriations



- HUD is flexible after any disaster and can waive many requirements, “except for requirements related to fair housing, nondiscrimination, labor standards, and the environment.”

Civil Rights Obligations in any Disaster fall under:



- Fair Housing Act of 1968, as amended in 1988;
- Title VI of the Civil Rights Act of 1964, as amended;
- Section 504 of the Rehabilitation Act of 1973, as amended; and
- Americans with Disabilities Act (ADA), as amended.
- Section 109 of the Housing Community and Development Act of 1974.

Civil Rights Obligations in any Disaster may also be covered by

- Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended;
- Post-Katrina Emergency Management Reform Act;
- Architectural Barriers Act of 1968;
- Communications Act of 1934, as amended;
- Individuals with Disabilities Education Act (IDEA) of 1975, as amended;
- The Age Discrimination Act of 1975, as amended;



Civil Rights Obligations in any Disaster may also be covered by

- Executive Order 12898 (Feb. 11, 1994). Federal Actions to Address Environmental Justice in Minority Populations and Low- Income Populations;
- Executive Order 13166 (Aug. 11, 2000). Improving Access to Services for Persons with Limited English Proficiency;
- Executive Order 13347 (July 22, 2004). Individuals with Disabilities in Emergency Preparedness; and
- Executive Order on Tackling the Climate Crisis at Home and Abroad (January 27, 2021).



Actions and/or omissions which exclude people based on the following risk violation of fair housing laws:

Federal protections: race, color, national origin, religion, sex (including sexual orientation and gender identity), familial status (the presence of minor children) , and disability and

Ohio state protections of active military status and ancestry and

Local protections such as Dayton and Yellow Springs with source of income protection and Piqua with age, marital status and creed, to name a few of the myriad local protections across Ohio



We must:



Include fair housing processes and protocols as a part of emergency preparedness plans



Develop partnerships and collaborations between civil rights advocates and agencies tasked with being first- and second-line responders



Clarify the fair housing role in emergency response situations

Disasters can happen anytime and anywhere forcing people to flee their homes.

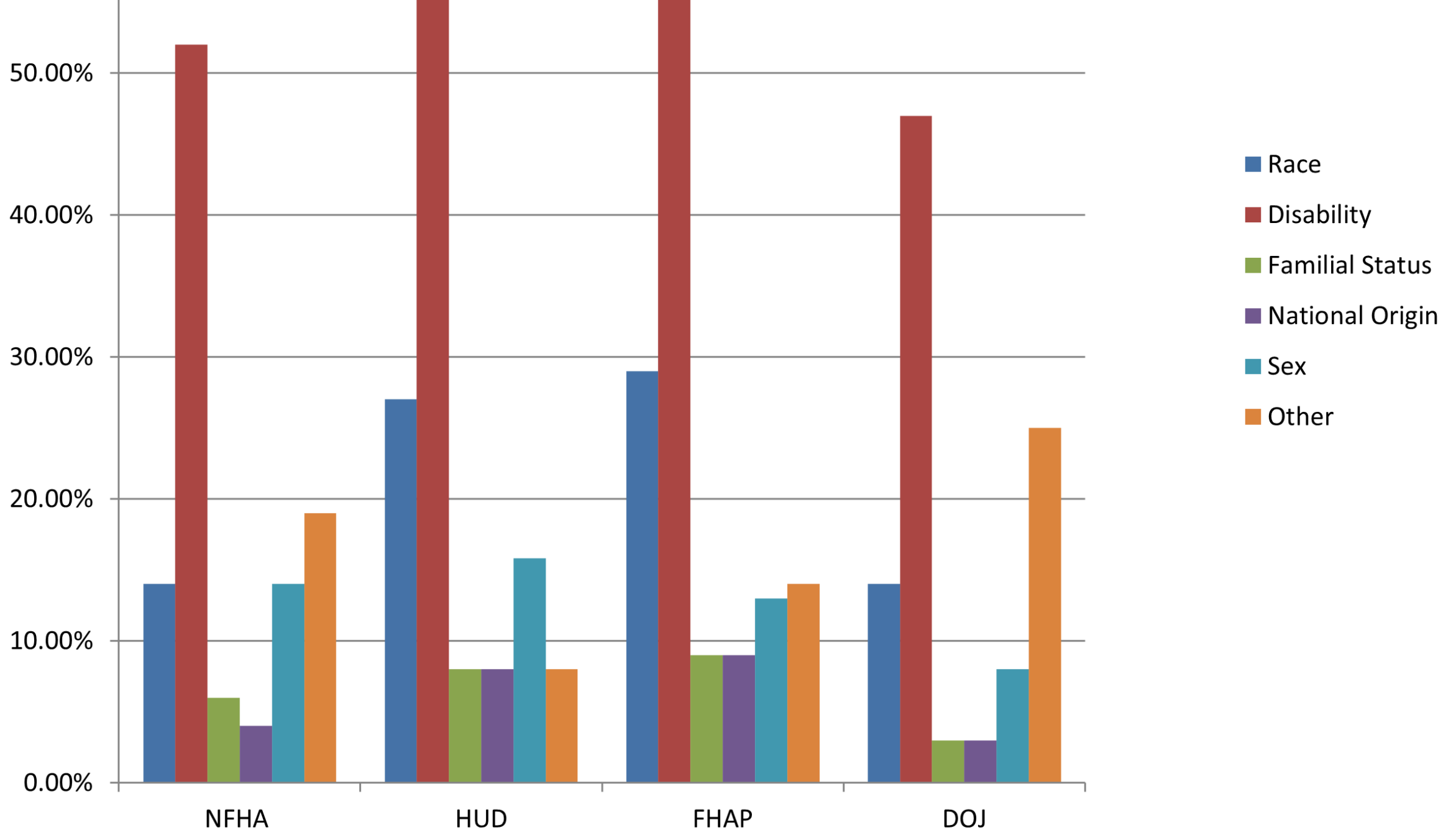


Immediate need is temporary housing.

Next, it is permanent housing opportunities.

These housing opportunities should be afforded to all people, regardless of their protected class status

What is occurring in your jurisdiction is of the utmost importance. **Let's look at the national statistics that are mirrored in the Miami Valley.**



Fair Housing Trends 2023 Report*



- Complaints alleging discrimination because of
 1. **Disability:** 53.26% or 17,580 up
 2. **Race:** 17.63% or 5,819 steady
 3. **Sex:** 7.54% or 2,490 up
 4. **Familial status:** 6.50% or 2,147 down
 5. **National Origin:** 4.95% or 1,653 down
 6. **Other:** 17.03% or 5,622 up by 3%,

[*https://nationalfairhousing.org/resource/2023-fair-housing-trends-report/](https://nationalfairhousing.org/resource/2023-fair-housing-trends-report/)

This presentation will focus on:

- People of Color
- Limited English proficient (LEP) populations (on the basis of National Origin)
- People with Disabilities



St. Bernard Parish and Communities of Color after Katrina



- The parish sought to restrict rental housing opportunities for African Americans to “preserve the pre-Katrina demographics of St. Bernard Parish.” Exclusionary practices included:
 - halting the development of rental housing.
 - enacting a permit requirement for single-family rentals that exempted renters who were “related by blood” to the homeowners.
 - eliminating multi-family housing in large portions of the parish.
 - repeatedly attempting to block the development of multi-family affordable-housing.

Outcome of St. Bernard Parish fair housing cases



- The parish agreed to a settlement valued at more than \$2.5 million to resolve separate lawsuits by the United States and private plaintiffs alleging that the parish sought to restrict rental housing.

Superstorm Sandy

- New Jersey allegedly denied recovery and rebuilding assistance to African American and Latinx persons.
- Allegations included insufficient outreach efforts to communities of color, low-income communities, and LEP communities evidenced by low application rates for CDBG-DR assistance.



New Jersey agreed to:

- Provide \$240 million in direct housing assistance to low-income households,
- reevaluate all denied applications,
- reopen programs for homeowners and renters who suffered losses due to the storm,
- adopt a comprehensive language access plan, and
- enhance outreach to the LEP population in multiple HUD-funded recovery-related programs.



Wildfires ravaged southern California in 2007:

- Despite a large LEP population, vital information regarding evacuation was disseminated only in English, and interpreters were generally unavailable.
- Information was not distributed in areas populated by migrant farmworkers.
- At sheltering sites, public employees required Latinx evacuees to produce proof of identity and residence before allowing shelter access.



Ways of Avoiding LEP Discrimination Following Disaster:



Evacuation and other emergency information should be made available in plain and simple language and translated to LEP languages, as identified by a Four Factor Analysis.



Consider the literacy levels of the disaster population by disseminating information orally and using universal design formats.



Ensure that emergency service providers not ask only persons of certain national origins for documents proving lawful immigration status.

LEP Considerations in Disaster



Educate LEP populations, immigration groups and other organizations about Fair Housing rights.



Ensure LEP populations receive translated information about disaster recovery, including hotlines and information on relevant websites.



Provide interpretation services for any non-English speaker.



Ensure social security numbers are not required on emergency response or disaster related forms.



Ensure aggrieved persons are aware of how to file discrimination complaints with their local fair housing organization, their state or local civil rights organizations and HUD!



Disability Considerations in Disaster

- Individuals with disabilities face unique barriers due to inaccessible evacuation, inaccessible response (including shelters, camps, and food distribution), and inaccessible recovery efforts.
- Disabilities can impact a person in a variety of ways—both physical and mental, visible and invisible. Therefore, there is not one approach to inclusion of persons with disabilities but the best practice of **“tailoring the response to the needs of the individual.”**

Tailoring the response

- All impacted persons with disabilities have a right to request and receive:
 - Reasonable accommodations
 - Reasonable modifications
 - Accessible housing





Examples of Tailoring the response

- **Persons with diabetes** or other medical conditions may need a special diet, refrigerator access for certain medications, etc.
- Persons with autism, hyperacusis and other **sound sensitivity conditions** may need a quiet space, ear plugs, noise-canceling headphones and other noise control accommodations.
- Persons with **physical disabilities** may require private areas for personal care.
- Persons with disability-related needs for **service animals** who require waiving “no pets” policy (service animals are not pets).
- Persons with disabilities may require shelters with **special services to provide attendant care** or to remain sheltered with family or aides.

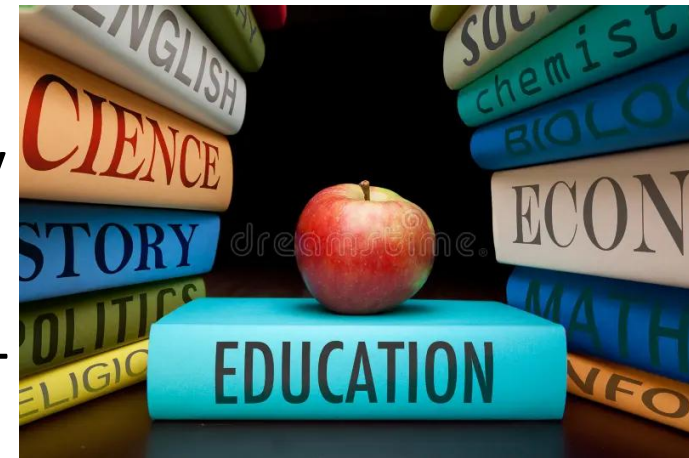
Sample Disability Considerations in Disaster



- Persons with disabilities should not be **separated from families** to access transitional or other types of housing.
- Nursing homes and other **restrictive settings are not appropriate** transitional housing sites for persons with disabilities who have evacuated from independent living.
- Homeowner assistance programs that have **limited assistance for accessibility features** may violate the law.
 - Homeowners with disabilities may need **exceptions to limits on assistance** to ensure replacement housing that incorporates accessibility.

Housing advocates & Jurisdictions must:

- **Educate** residents, housing providers, and real estate professionals about fair housing protections.
- Proactively **work with local jurisdictions** to develop rental housing for disaster victims in high opportunity areas.
- **Be alert** to localities developing (or prohibiting) multi-family housing for infrastructure works (new roads, schools, parks, etc.).
- Develop an **anti-discrimination media campaign** to combat discrimination and debunk NIMBY-ism myths concerning rental housing for disaster victims.



Jurisdictions should:

- **Leverage community resources, e.g.** leaders and organizations can deliver group educational sessions to support fair housing awareness and opportunities for **community input** regarding recovery planning



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HUD recommends Jurisdictions:

- Advocate for higher payment standards in the HCV program as a reasonable accommodation for clients with disabilities.
- Any Public Housing Authority (PHA) may, without HUD approval, can establish an exception payment standard of up to 120% of the Fair Market Rent (FMR) if required as a reasonable accommodation, 24 CFR § 982.505(d).
- A PHA may establish payment standard greater than 120% of the FMR by submitting a request to HUD, 24 CFR §982.505(d).



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HUD recommends Jurisdictions:

- Be aware of **geographic exclusions** that may deny assistance to harmed communities of color (e.g. Relief for coastal flooding where property values are high, but not wind damage to inland communities with lower property values and higher population of persons of color).
- Be aware of **program benefit limitations**, caps and thresholds that are related to home or property values that historically are lower in segregated communities of color.



HUD recommends Jurisdictions:

- Take advantage of post-disaster flexibilities for Housing for Older Persons Act (HOPA) communities when available.
- FHEO's Assistant Secretary has issued HOPA exemptions which last for 1 year after a Presidential disaster declaration.
- Authorizations allow 55-and-over communities to house disaster evacuees younger than age 55 without jeopardizing HOPA status.
- Sometimes a good source of accessible housing.



HUD recommends Jurisdictions Link Communities:

- The following slides are resources for civil rights guidance and protection in the Miami Valley Region - in a regional disaster, these organizations will work together to assist with recovery.
- There is also a list of federal resources.



Dayton and Montgomery County

- **FROM OUTSIDE THE CITY OF DAYTON:**
- Miami Valley Fair Housing Center
- Write to info@mvfairhousing.com
- Call 937-223-6035 or visit our website www.mvfairhousing.com click on Filing a Complaint (left side)



FROM INSIDE THE CITY OF DAYTON:

- City of Dayton Human Relations Council:
- call 937-333-1403,
- visit <http://daytonhrc.org/>

Miami County, Ohio



- Miami County Fair Housing visit <https://www.miamicountyohio.gov/265/Fair-Housing> call 937-440-8121
- Troy Fair Housing visit <https://troyohio.gov/725/Fair-Housing> and call 937-339-9601
- Piqua Fair Housing visit <https://www.piquaoh.gov/1570/Fair-Housing>

Greene County, Ohio



- Greene County Fair Housing visit <https://www.greenecountyohio.gov/1641/Fair-Housing> and call [\(937\) 562-5007](tel:9375625007)
- Xenia Fair Housing <https://www.cityofxenia.org/265/Fair-Housing> and call 937-376-7286
- Fairborn Fair Housing visit https://www.fairbornoh.gov/government/development_services/neighborhood_betterment_division/fair_housing.php and call 937-754-3060

State and Federal Fair Housing Resources for filing a complaint



- Ohio Civil Rights Commission (OCRC)
- Visit <https://civ.ohio.gov/>
- **Email:** PACE@civ.ohio.gov
- **Phone:** [\(888\) 278-7101](tel:(888)278-7101)

- Department of Housing and Urban Renewal (HUD) contact The Office of Fair Housing and Equal Opportunity (FHEO)
- Visit <https://www.hud.gov/fairhousing>
- You can speak with an FHEO intake specialist by calling 1-800-669-9777 or TTY: 1-800-877-8339.

Ohio Private and Public Fair Housing Organizations



PRIVATE

- Fair Housing Advocates Association -Akron-
<https://www.housingassistanceonline.com>
- Fair Housing Contact Service, Inc. –Akron-
<https://fairhousingakron.org/>
- Fair Housing Resource Center, Inc. –Painesville- <https://fhrc.org/>
- Housing Opportunities Made Equal, Inc. –Cincinnati-
<https://homecincy.org/>
- Fair Housing Center for Rights & Research –Cleveland-
<https://www.thehousingcenter.org/>

Ohio Private and Public Fair Housing Organizations

PRIVATE

- Columbus and beyond: Southeastern Ohio Legal Services has a project called Appalachian Ohio Fair Housing Center
<https://appalachianohiofairhousing.org/>
- Toledo Fair Housing Center –Toledo- <https://www.toledofhc.org/>

PUBLIC

- HUD Fair Housing Office –Columbus-
<https://www.hud.gov/states/ohio/working/ftheo>
- Clark County and City of Springfield
<https://www.clarkcountyohio.gov/291/Fair-Housing>
<https://springfieldohio.gov/wp-content/uploads/2018/11/2018-brochure-English.pdf>



HUD Office of Housing Counseling & Fair Housing Equal Opportunity



- **Event Webpage:**
<https://www.hudexchange.info/programs/housing-counseling/fair-housing-conference-2021/>
- **Find us at:**
www.hudexchange.info/counseling
- **Email us at:**
Housing.counseling@hud.gov

Federal Resources

- [Housing Counseling Disaster Recovery Toolkit](#)
- [Fair Housing and Equal Opportunity Disaster Toolkit](#)
- [FHEO Requirements for Disaster Recovery and Mitigation Programs](#)
- [HUD's Disaster Resources Webpage](#)
- [DOJ Guidance to Governments and Other Recipients Engaged in Emergency Preparedness, Response, Mitigation, and Recovery Activities on Compliance with Title VI of the Civil Rights Act of 1964](#)
- [Emergency Management Under Title II of the ADA](#)
- [Civil Rights in Emergencies and Disasters- Homeland Security](#)
- [Your Civil Rights And Disaster Assistance – FEMA](#)
- [The ADA Checklist for Emergency Shelters](#)
- [FEMA's Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters](#)

Finding the Sources

- Example eliminated without a trace : [CDBG-DR Consolidated Notice Fair Housing Guidance \(2022\)](#)

Go to CDBG Disaster Recovery Funds at this link

- <https://www.hudexchange.info/programs/cdbg-dr/#:~:text=CDBG%2DDR:%20Community%20Development%20Block%20Grant%20Disaster%20Recovery%20Funds%20%2D%20HUD%20Exchange.&text=HUD%20provides%20flexible%20Community%20Development%20Block%20Grant,states%20to%20recover%20from%20Presidentially%20declared%20disasters.>

Finding the Sources (cont.)

- Use the search feature and enter “CDBG-DR and Civil Rights” OR CDBG-DR and Fair Housing



HUD EXCHANGE

Programs ▾

Resources ▾

Trainings ▾

Progr



CDBG Disaster Recovery Funds

HUD provides flexible Community Development Block Grant Disaster Recovery (CDBG-DR) funds to help cities, counties, and states to recover from Presidentially declared disasters.



Date Published: March 2023

Description

The Comprehensive Citizen Engagement and Implementation Checklist is designed to help reviewers assess a grantee's implementation and administration of Community Development Block Grant - Disaster Recovery (CDBG-DR) programs against the citizen engagement and participations requirements outlined in the relevant Federal Register Notices. The tool consists of multiple tabs with criteria that must be reviewed and compared to the grantee's CDBG-DR Action Plan, Language Access Plan, Section 3 plan, policies and procedures, Affirmatively Further Fair Housing plans/ Analysis of Impediments to Fair Housing report, CDBG-DR website, and other public facing materials. Reviewers are equipped with the source of each criterion, indicate whether or not it has been met, and provide comments or recommendations as applicable. It should be noted that the checklist is an abbreviated summary of the detailed requirements outlined in the Federal Register Notices, and reviewers must still compare the grantee's CDBG-DR program against the requirements of the applicable Notices.

Resource Links

- [CDBG-DR Comprehensive Citizen Engagement and Implementation Checklist \(XLSX\)](#)

Video Seminar still exists

[2024 CDBG-DR Clinic: CDBG-DR Basics and Beyond](#)

- **Date Published:** May 7, 2024 **Topic:** Action Plan; Contract Management; Davis Bacon and Labor Standards; Duplication of Benefits; Environmental Review/Requirements; **Fair Housing and Civil Rights**; Financial Management; Monitoring and Compliance; Needs Assessment; Organizational Development; Policies and Procedures/Process Mapping; Procurement; Program Operations; Reporting; Section 3

Federal Registry on CDBG and Fair Housing

- <https://www.federalregister.gov/documents/2025/01/08/2024-31621/common-application-waivers-and-alternative-requirements-for-community-development-block-grant>

Search using Fair Housing and the second entry under fair housing is this:



- HUD is flexible after any disaster and can waive many requirements, “except for requirements related to fair housing, nondiscrimination, labor standards, and the environment.”

Questions?