

DOJ Addresses Local Regulations that Potentially Violate Fair Housing Laws



Many local governments have enacted ordinances that allow landlords to evict tenants with various types of involvement with law enforcement and/or emergency services. The DOJ has issued a letter that pushes back on some of these policies.

In August of 2024, the U.S. Department of Justice (DOJ) issued a letter to inform people that so-called crime-free nuisance ordinances might interfere with federal fair housing protections. These ordinances focus on incidents such as noise disturbances and emergency calls at properties. Under the ordinances, according to the Shriver Center on Poverty Law, landlords "hold tenants responsible through fines and evictions, among other penalties. If a crime is being committed, the landlord is obligated to evict the tenant, or risk being fined or losing their rental property license."

Fair housing problems can arise when residents of certain demographics are disproportionately affected by the ordinances. For example, a rental ordinance or rule about criminal background may impact Black and Hispanic tenants at a greater rate than their White counterparts because of the

statistics showing greater rates of interaction in those communities with the criminal justice system. As such, the rule on criminal background ends up having an effect that is skewed by race. Under the federal Fair Housing Act, race is a protected class - a criterion that is illegal to consider in housing-related transactions. The DOJ letter serves to help people understand these ramifications, and the fact that enforcing the criminal background rules might run afoul of fair housing laws.

Another example of the intersection of crime-free nuisance ordinances and other federal protections comes with the Violence Against Women Act, or VAWA. Among other things, VAWA protects victims of domestic violence from certain adverse treatment in federally-subsidized housing. If such a victim needs to call the police to the property on a regular

(Continued on page 4)

Housing Opportunities Project for Excellence (HOPE), Inc. fights housing discrimination to ensure your civil rights.

We have a three-tiered strategy of (1) Education & Outreach, (2) Intake & Counseling, and (3) Private Enforcement. Thanks to federal, state and local funding, all of our services are **free to the public**. We are here to honor the legacy of the civil rights movement by striving for a truly just and equal society.

To become a tester or volunteer, please call (305) 651-4673 in Miami-Dade or (954) 567-0545 in Broward.

Thank you!

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HOPE Inc Fair Housing

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follow us at: **@hope_fhc**



Housing Opportunities Project for Excellence, Inc.

HOPE Inc.'s mission is to fight housing discrimination in Miami-Dade and Broward Counties and to ensure equal housing opportunities throughout Florida.

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National origin
discrimination
in housing
is illegal.

Call
305-651-4673
to report your
experience.



Florida SB264 restricts Chinese, Venezuelan, and Cuban people (and people of other targeted races, national origins, and ethnicities) from owning homes. The Fair Housing Act says it can't.

If you were denied the opportunity to buy or sell a home or discouraged from buying or selling because of race, national origin, or ethnicity, you may have experienced illegal housing discrimination. **Please call (305) 651-4673 to report your experience.**



Thumbs Up! - Happy Anniversaries to NFHTA & IAOHRA

On August 15, 2024, the U.S. Department of Housing and Urban Development (HUD) announced a renewed partnership between its National Fair Housing Training Academy (NFHTA) and the International Association of Official Human Rights Agencies (IAOHRA) at this week’s 2024 IAOHRA conference in St. Louis, MO. Commemorating NFHTA’s 20th anniversary and IAOHRA’s 75th anniversary, this partnership marks a growing relationship between the Federal government, and civil rights, fair housing, and human rights stakeholders.

During the St. Louis conference, HUD’s NFHTA offered one of its foundational training courses on intake for fair housing practitioners who currently receive funding from HUD’s Fair Housing Assistance Program (FHAP) or are interested in pursuing FHAP funding.

“Through close collaboration with partners like IAOHRA, HUD is ensuring that together, we multiply the support and resources we can offer to communities across the country,” said HUD Acting Secretary Adrienne Todman. “We are working every day to increase fair access to affordable homes for all and protect residents from housing discrimination.”

“HUD’s partnerships with state and local civil rights agencies through the Fair Housing Assistance Program are critical to fair housing enforcement,” said Principal Deputy Assistant Secretary of the Office of Fair Housing and Equal Opportunity, Diane M. Shelley. “I am pleased that we could offer specific training at the IAOHRA Conference and we will continue to provide these opportunities in the future.”

This partnership follows HUD’s announcement this past May awarding \$26 million in non-competitive funding to state and local fair housing enforcement agencies across the country under the Fair Housing Assistance Program.

Formed 20 years ago, HUD’s NFHTA builds skills and capacity for HUD-funded partners to end housing discrimination through timely, thorough, and comprehensive investigation of fair housing cases.

NFHTA will commemorate its 20th anniversary throughout the next year by highlighting achievements and looking ahead to the next twenty years of building capacity to root out all forms of discrimination in housing.

-Press release from U.S. Department of Housing and Urban Development (HUD) Public Affairs



HOPE’s Community Outreach!

On the left, Charmaine Williams, Education & Outreach (E&O) Coordinator for Broward, gives a presentation made possible by the Broward Affordable Housing Task Force and City of Plantation on September 14, 2024.

Below, Rob Collins, Esq., E&O Coordinator for Miami-Dade conducts outreach with students at Miami Dade College’s Kendall Campus on September 16, 2024.



basis, housing providers in particular circumstances are not allowed to use those calls as an immediate reason to evict the victim. Perhaps there is an ordinance or rule that mandates a punishment for frequent occurrences of police having to come to a property. In these circumstances, the housing providers are supposed to make adjustments as necessary to assist the tenant. In this example, the adjustment might be the decision not to evict or otherwise penalize this victim tenant for the disturbances, where the landlord would usually impose a penalty in that situation.

A final example of these local ordinances clashing with federal protections might be an ordinance or rule that describes it to be a nuisance if a tenant repeatedly has ambulances come to the property. In other words, if a tenant receives recurring home visits from medical professionals, some landlords, the DOJ has found, are supposed to penalize that tenant for the disruption being caused to other tenants. The DOJ says that the Americans with Disabilities Act (ADA) protects people with disabilities from actions that would "discourage and prevent...them from using emergency services." So the housing provider in this example would need to know that federal law, which would have power over a local law, may keep that landlord from enforcing the "nuisance" rule in certain circumstances.

Housing seekers, current residents, and housing providers all benefit from knowing about these

intersections of crime-free nuisance ordinances and federal law. Housing seekers can become more empowered by knowing what their rights are, thus expanding their sense of what housing is available to them. Current residents can also gain an understanding of the protections that they have, and if faced with an adverse situation, can push back against discriminatory actions by a housing provider. And to that end, by adhering to local laws but within the limitations of federal law, housing providers can avoid being sued for housing discrimination (especially when they were just trying to follow a law!). But more importantly, housing providers can help provide the protections put in place by the national government, regardless of local laws that may try to chip away at those protections.

The DOJ found that, before its intervention and intervention by other government entities, policies using the term "crime-free" were in place in almost 2,000 cities spread throughout 48 different states. Chances are high that people are going to encounter some sort of conflict between what a local government tells them are the rules and what the federal government says. The DOJ letter tries to address the existence of these conflicts, so that local governments can still make rules as they see fit, but only as far as the minimum protections put in place for everyone, nationwide.

The letter can be found with a Google search for DOJ crime free letter.



Join the fight against discrimination! Become a tester!

Please join us in this movement (and make some extra cash as well!) - become a civil rights investigator! Interested people should contact HOPE's Testing Coordinators. Training consists of a paid training session, and after training, available testers are contacted as needed. Each assignment pays \$45-\$125.

Call today! Miami-Dade: (305) 651-4673, Broward: (954) 742-3778.

Applicant must:

- Be 18 years of age or older
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- Have good observational and writing skills
- Be able to donate approximately 4 hours for each test
- Be punctual with reliable transportation

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DISCRIMINATION IS WRONG, AND IT'S AGAINST THE LAW. REPORT IT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

HUD CAN HELP. IF YOU THINK YOUR FAIR HOUSING RIGHTS HAVE BEEN VIOLATED, CALL 1-877-669-9777 OR VISIT WWW.HUD.GOV/FAIRHOUSING.



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Marking 30 Years Since the Passage of the Violence Against Women Act (VAWA)

VAWA, the common name of the Violence Against Women Act, turned 30 in September of 2024. The law is centered on providing protections of various sorts to victims (regardless of their gender, actually) of violence, sex dating violence, sexual assault, and stalking. These protections include provisions concerning the housing situations of the victims. VAWA was the template and inspiration for many subsequent local laws across the country that address housing rights for domestic violence victims, including such laws in both Broward and Miami-Dade Counties.

People are encouraged to complain to HOPE if they believe that a domestic violence situation is affecting their housing. Under certain circumstances, housing providers must assist domestic violence victims. This assistance may include NOT punishing a tenant who has had to repeatedly call the police, taking an abuser off of a lease instead of evicting everyone in the unit, helping a tenant relocate to another unit, and giving leeway in screening processes when a housing applicant's shortcomings (like a low credit score, poor rental history, etc.) are the result of being a victim of domestic violence. VAWA protections apply to federally-assisted housing, while local laws may exist in one place, but not another. Victims should reach out to see what protections are available.

As the catalyst for this article is the 30th anniversary of VAWA, here is a look at what those 30 years have been like, for the law. President Bill Clinton signed VAWA into law on September 13, 1994. In the years before that, the movement to recognize the issue of domestic violence gained steam. In 1990, then-Senator Joe Biden first introduced VAWA. The legislation was met with opposition from the administration of George HW Bush, who was president at the time of this initial introduction. Additionally, former US Supreme Court Chief Justice William Rehnquist openly opposed aspects of VAWA. In January of 1992, he argued that the Act would ultimately open the floodgates and overwhelm the court system with lawsuits of people suing each other for domestic violence. He did not contend that these lawsuits would be frivolous, rather he said that VAWA "could involve the federal courts in a whole host of domestic relations disputes."

In 1992, activist Joan Zorza published the article "Criminal Law of Misdemeanor Domestic Violence", in which she detailed the common practice of law enforcement to largely look the other way, in terms of domestic violence in relationships. As a summary of the article notes, "In the 1970s and early 1980s, official police response to misdemeanor domestic assault was to discourage victims from making it a criminal justice issue. Police policy was to view domestic assault as a private marital problem to be addressed through marital counseling." During the 80s, however, court cases, research, and public policy shifts led to an increase in arrests for domestic violence issues, resulting in a deterrence for abusers. Notably, during this same period throughout the 1970s and 1980s, private organizations such as the National Organization for Women (NOW) were working diligently to address domestic violence, regardless of the assistance of law enforcement.

Then in 1993, the United Nations hosted the World Conference on Human Rights in Vienna, Austria, where domestic violence was publically declared a human rights violation. This was a further step in the same sort of revelation envisioned by NOW, Zorza, and countless others. Domestic violence needed government attention.

After becoming law in 1994, VAWA was reauthorized - and strengthened and expanded each time - in 2000, 2005, and 2013. Under President Donald Trump in 2018, VAWA lapsed. At that time, the National Rifle Association (NRA) led the opposition to VAWA, as the proposed reauthorization included restrictions on gun ownership for certain abusers. In 2019, the Democrat-led House of Representatives (with support from dozens of Republicans) passed a reauthorization act, but the Republican-led Senate would not pass the reauthorization. But then on March 15, 2022, under the administration of President Joe Biden, VAWA was reauthorized and signed into law.

Even though VAWA has met with opposition that has affected its strength (and in fact, its existence) over the years, other laws may be in place that will protect domestic violence victims, depending on where they are. Victims are encouraged to report both the violence and its impact on their housing situation.

Affirmatively Furthering Fair Housing

The concept of “affirmatively furthering fair housing” is based on Section 808 (e) (5) of the federal Fair Housing Act which states that the Secretary of HUD shall administer housing and community development programs in a manner that affirmatively furthers the purpose of the Fair Housing Act. We dedicate this space to Miami-Dade and Broward jurisdictions that receive Community Development Block Grant (CDBG) funds and partner with HOPE to implement the following outreach.

Broward Area Outreach

The following jurisdictions were impacted by Broward area outreach activities during the quarter: Broward County, Davie, Fort Lauderdale, Tamarac, and other locations.

Fair Housing and Predatory Lending Presentations: These presentations consist of PowerPoint visuals, formal lectures, question and answer periods, and informational packages. All presentations are modified to meet the individual needs of the sponsor. The following presentations were conducted (in English, unless otherwise noted).

- Broward County Housing Authority, Lauderdale Lakes: 8/10/24
- Consolidated Credit Solutions, Fort Lauderdale: 7/27/24, 9/25/24
- Hispanic Unity, Hollywood: 8/17/24
- Oasis of Hope, Pompano Beach: 8/17/24
- Urban League of Broward County, Fort Lauderdale: 7/31/24, 8/21/24, 9/20/24, 9/25/24
- **Housing Provider Rights and Responsibilities Presentations:** Presentations designed for the specific needs of local housing providers.
- Broward Affordable Housing Task Force Resource Fair, Fort Lauderdale: 9/14/24
- Resource Fair & Food Distribution, Fort Lauderdale: 9/26/24

Community, Cultural, Health, and Job Fairs: Local community events to diversify outreach efforts, counseling members of the general public on their rights and responsibilities.

Please be sure to sign up for HOPE's e-mail list!

Feeling like you haven't gotten an e-mail from us in a while? HOPE's e-mail list has been switched over to the service called Mailchimp! If you haven't already, please enter your email address to be sent announcements and our quarterly newsletter!

To sign up, please search on Google for hopefhc mailchimp, and navigate to the page simply titled “Housing Opportunities Project for Excellence (HOPE), Inc.”, which, when you get there, looks like this screen shot —>

Thank you!

Housing Opportunities Project for Excellence (HOPE), Inc.

HOPE, Inc. fights housing discrimination in Florida's Miami-Dade and Broward Counties. Please enter your email address below to be emailed our quarterly newsletter, where we highlight national and local fair housing news!

Thank you!

Housing Opportunities Project for Excellence (HOPE), Inc.
We fight housing discrimination

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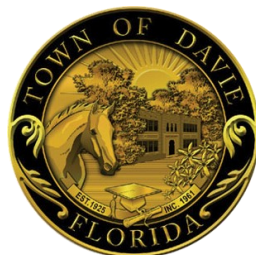
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Do YOU Suspect Housing Discrimination, Harassment, or Predatory Lending?

Call HOPE TODAY!
Miami-Dade:
(305) 651-4673
Broward:
(954) 742-3778



Miami-Dade Area Outreach

The following entitlement jurisdictions were impacted by Miami-Dade area outreach activities during the quarter: the Cities of Hialeah, Miami, Miami Beach, and North Miami, as well as other locations.

Fair Housing and Predatory Lending Presentations (conducted in English, unless otherwise noted):

- Centro Campesino (English & Spanish), Florida City: 8/31/24, 9/28/24
- Cuban American National Council (English & Spanish), Little Havana: 7/12/24, 7/17/24, 7/26/24, 8/23/24, 9/13/24, 9/27/24
- Experts Resource Community Center (English and Haitian Creole), Miami Gardens, West Little River, & North Miami: 7/13/24, 8/22/24, 9/14/24, 9/28/24
- Haitian American Community Development Corporation (English & Creole), Little Haiti: 8/30/24
- Housing Foundation of America (English & Spanish), Miami Gardens & Palmetto Bay: 7/13/24, 7/20/24, 7/27/24, 8/24/24, 9/14/24, 9/21/24, 9/28/24
- Miami Dade College - Wolfson, Downtown Miami: 7/10/24, 9/6/24
- Miami Rescue Mission Radio, Brownsville: 8/27/24
- Neighborhood Housing Services (English & Spanish), Little Havana: 7/13/24, 7/17/24, 7/20/24, 7/27/24, 8/15/24, 9/14/24
- Overtown Children and Youth Coalition, Overtown: 7/31/24

- Ten North Group, Opa-locka: 7/20/24, 8/24/24, 9/21/24
- Real Estate, Education and Community Housing (English & Spanish), Kendall: 7/13/24, 7/27/24, 8/24/24, 9/28/24
- University of Miami School of Law, Coral Gables: 9/3/24

Provider Presentations:

- City of Miami, downtown Miami: 8/13/24
- Gang Alternative, Little Haiti: 8/22/24

Community Fairs:

- Clark Center, resource fair, Downtown Miami: 8/14/24
- Miami Dade College - Hialeah, community fair, Hialeah: 9/17/24
- Miami Dade College - Kendall, community fair, Kendall: 9/16/24
- Miami Dade College - Padron, seal & expunge event, Little Havana: 8/7/24
- Miami Dade College - Wolfson, community fair, Downtown Miami: 9/18/24
- Miami Rescue Mission, community resource fair, Wynwood: 7/23/24
- Sant La, community resource fair, North Miami: 8/1/24
- Westchester Regional Library, disability resource fair, Westchester: 9/21/24



Give Miami Day November 21, 2024

HOPE is again participating in Give Miami Day, which will take place on Thursday, November 21, 2024. Only gifts made at GiveMiamiDay.org during the 24-hour online giving period (12 a.m. on November 21 - 12 a.m. on November 22) are considered eligible gifts for the event. **On November 21st, please go to GiveMiamiDay.org to contribute to Housing Opportunities Project for Excellence (HOPE), Inc.'s efforts to end housing discrimination!**

All support is appreciated! Thank you!

HOPE FORUM

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Yes, I want to invest in the future of my community by becoming a member of HOPE!

Please fill out this membership application and mail with your TAX-DEDUCTIBLE contribution to:

HOPE
Attn: Membership
11501 NW 2nd Ave
Miami, FL 33168

NAME: _____

COMPANY: _____

ADDRESS: _____

CITY: _____ ST: _____ ZIP: _____

PHONE: _____ FAX: _____

EMAIL: _____

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_____ Family (\$75.00)

_____ Friend (\$100.00)

_____ Non-Profit (\$250.00)

_____ Corporate (\$500.00)

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_____ Juniors For Justice (\$5.00) (13-18 years old)

_____ Pennies from Heaven (children 12 and under)

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There are laws against discrimination in the rental or sale of housing on the basis of:

- ◇ Race
- ◇ Color
- ◇ National Origin
- ◇ Religion
- ◇ Marital Status
- ◇ Pregnancy
- ◇ Familial Status (having children)
- ◇ Disability
- ◇ Sex (gender)
- ◇ Veteran Status
- ◇ Age
- ◇ HIV Status
- ◇ Sexual Orientation
- ◇ Gender Identity
- ◇ Gender Expression
- ◇ Political Affiliation
- ◇ Source of Income
- ◇ Ancestry
- ◇ Being a victim of domestic violence or human trafficking

Do you suspect that you have been a victim of housing discrimination?
Help is available; don't delay!

Call the HOPE DISCRIMINATION HELPLINE!
Miami-Dade: 305-651-HOPE (4673)
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TDD: 800-955-8771
or file a complaint at www.hopefhc.com