

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Fair Housing and Equal Opportunity

Fair Housing Activities

SUMMARY OF RESOURCES

(Dollars in Thousands)

	Enacted/ Requested	Carryover	Supplemental/ Rescission	Total Resources	Obligations	Outlays
2019 Appropriation	65,300	48,012	-	113,312	67,312	59,248 ^a
2020 Appropriation	70,300	45,987	-	116,287	107,536	64,896
2021 President's Budget	65,300	8,629	-	74,051	66,800	68,207
Change from 2020	(5,000)	(37,358)	-	(42,236)	(40,736)	3,311

^{a/} Differs from the Budget Appendix due to rounding.

PROGRAM PURPOSE

The mission of HUD's Office of Fair Housing and Equal Opportunity (FHEO) is "to eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities by leading the nation in the enforcement, administration, development, and public understanding of federal fair housing policies and laws." FHEO's cardinal duty, therefore, is to create equal housing and credit opportunities for all persons living in America. The Fair Housing Program funds four activities: (1) Fair Housing Initiatives Program (FHIP); (2) Fair Housing Assistance Program (FHAP); (3) Limited English Proficiency Initiative (LEPI); and (4) the National Fair Housing Training Academy (NFHTA). Along with the work of FHEO, these programs work in concert to redress injuries to victims, prevent housing discrimination, and eliminate segregation.

BUDGET OVERVIEW

The 2021 President's Budget request for Fair Housing Programs is \$65.3 million, which is \$5 million less than the 2020 enacted level. The request funds the following programs:

- Fair Housing Initiatives Program: \$39.6 million supports grants to private fair housing organizations and education and outreach on fair housing rights and responsibilities
- Fair Housing Assistance Program: \$23.9 million supports state and local civil rights enforcement agencies with grants, training, and technical assistance
- Limited English Proficiency Initiative: \$300 thousand supports English translation and interpretation services
- National Fair Housing Training Academy: \$1.5 million supports national training on fair housing investigation and conciliation techniques

Fair Housing Programs	2019 Enacted	2020 Appropriation	2021 Request	Inc./Dec.
Fair Housing Initiatives Program (FHIP)	\$39,600,000	\$44,950,000	\$39,600,000	(\$5,350,000)
Fair Housing Assistance Program (FHAP)	23,900,000	23,500,000	23,900,000	400,000
Limited English Proficiency (LEPI)	300,000	350,000	300,000	(50,000)
National Fair Housing Training Academy (NFHTA)	1,500,000	1,500,000	1,500,000	0
Program Total	\$65,300,000	\$70,300,000	\$65,300,000	(\$5,000,000)

JUSTIFICATION

Fair Housing Initiatives Program (FHIP)

For FHIP, this request provides \$39.6 million to support critical fair housing enforcement work throughout the United States, as well as education and outreach to the general public about their rights and responsibilities under the Fair Housing Act. This is accomplished through the interplay of three major components: The Private Enforcement Initiatives (PEI), the Fair Housing Organization Initiatives (FHOI), and the Education Outreach Initiatives (EOI). PEI supports high quality, effective investigations and testing by 98 private fair housing organizations. The second major initiative, FHOI, enhances the capacity of existing organizations to provide fair housing enforcement services and creates new organizations in areas of the country which are underserved, unserved or those areas with large concentrations of protected classes. Through EOI, FHIP grantees conduct education and outreach activities that help inform people of their rights under the Fair Housing Act, as well as educate housing industry staff about the kind of actions that violate the Fair Housing Act. Each year, the Department awards local and regional grants to private fair housing groups, state and local governments, and other public or private entities that fund local education and outreach activities. In addition, the Department awards a national fair housing education and outreach grant to disseminate a broad national fair housing message. A separate education program, Fair Housing Accessibility FIRST, educates builders, designers, architects, and planners on the Fair Housing Act's accessibility requirements.

The FHIP request provides support for fair housing activities conducted by approximately 165 organizations. The request consists of:

- \$30,750,000 in PEI grants to private fair housing organizations to conduct intake and testing, investigate complaints, and provide litigation support for local compliance with the Fair Housing Act;
- \$7,850,000 in EOI grants for a variety of education and outreach activities, including a national media campaign;
- \$500,000 in FHOI grants to build capacity of private fair housing organizations
- \$500,000 to continue the Fair Housing Accessibility FIRST project, which trains industry professionals on the design and construction requirements of the Fair Housing Act.

Fair Housing Initiatives Program (FHIP)	2019 Enacted	2020 Enacted	2021 Request	Inc./Dec.
Private Enforcement Initiative (PEI)	\$30,750,000	\$36,350,000	\$30,750,000	(\$5,600,000)
Education and Outreach Initiative (EOI)	7,850,000	7,350,000	7,850,000	500,000
Fair Housing Organization Initiative (FHOI)	500,000	750,000	500,000	(250,000)
FIRST	500,000	500,000	500,000	0
Program Total	\$39,600,000	\$44,950,000	\$39,600,000	(\$5,350,000)

Fair Housing Assistance Program (FHAP)

For FHAP, the request provides \$23.9 million to continue support to approximately 77 state and local government civil rights agencies to investigate and prosecute housing discrimination within their jurisdictions. FHAP agencies often serve as the principal civil rights enforcers in their

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respective jurisdictions and investigate most administrative fair housing complaints filed in the country. They plan the investigations, interview parties and witnesses, gather and analyze evidence, facilitate resolution, and render determinations. Further, these agencies ensure compliance with settlement agreements and, where necessary, litigate complaints to address violations. Funding will maintain HUD’s commitment to a coordinated intergovernmental partnership to protect the fair housing rights of individuals and families. This level of funding will:

- Provide for the investigation and remedy of complaints of discrimination;
- Deter willful violators through increased severity, immediacy, or probability of penalties; and
- Educate potential victims both to assert their civil rights and to seek remedies.

Fair Housing Assistance Program (FHAP)	2019 Enacted	2020 Enacted	2021 Request	Inc./Dec.
Complaint Processing	\$17,000,000	\$15,540,000	\$16,100,000	\$560,000
Administrative Costs	4,700,000	4,500,000	4,740,000	240,000
Training	2,000,000	1,700,000	2,000,000	300,000
Capacity Building	0	160,000	160,000	0
Special Enforcement Efforts (SEE)	100,000	100,000	100,000	0
Partnership Activities	100,000	1,500,000	800,000	(700,000)
Program Total	\$23,900,000	\$23,500,000	\$23,900,000	\$400,000

Limited English Proficiency Initiative (LEPI)

For LEPI, the request provides \$300,000 for Department-wide interpretation and translation services. LEPI is a direct initiative to ensure HUD’s compliance with Executive Order 13166, which requires federal agencies to assess and address the needs of eligible persons seeking access to federally-conducted programs and activities who, due to limited English proficiency (LEP), cannot fully and equally participate in or benefit from those programs and activities. FHEO manages HUD’s Language Access Services program, which includes the LEP program. LEPI allows HUD staff to communicate and interact with LEP individuals at no cost to the individual.

This funding level allows for the continuation of current LEPI activities, including:

- Department-wide language services contracts that support all HUD program offices' efforts to fulfill their mission-critical work, including the Offices of the Secretary and Deputy Secretary, Office of Administration, Field Policy & Management, HUD Emergency Operations Center, Office of Housing Counseling, Office of Public Affairs, Public and Indian Housing, Office of Housing, and the Office of Lead Hazard Control and Healthy Homes in their efforts to address the needs of the public regarding civil rights, housing opportunities, and disaster recovery. For example, the LEPI funds ensured that over 600 documents were translated for the public, including many to address the hurricane disaster recovery work.
- Support for FHEO’s responsibility to investigate housing discrimination complaints, conduct compliance reviews of HUD-funded recipients, and provide fair housing civil rights information to the public.

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Limited English Proficiency Initiative (LEPI)	2019 Enacted	2020 Enacted	2021 Request	Inc./Dec.
Limited English Proficiency Initiative (LEPI)	\$300,000	\$350,000	\$300,000	(\$50,000)

National Fair Housing Training Academy (NFHTA)

For NFHTA, the request provides \$1.5 million to train current and future generations of fair housing professionals to combat housing discrimination. Working within state and local government agencies (FHAP agencies) and partner fair housing organizations (FHIP recipients), fair housing professionals are on the front line investigating housing discrimination and enforcing fair housing laws. The Academy will create and deliver innovative curricula, tools, and resources to inspire and prepare fair housing professionals to achieve success. Understanding the diversity of students’ learning styles, the Academy will offer different training delivery options, such as peer-to-peer mentoring, online instruction, and in-person hands-on training where students solve real-world challenges together. Because of the Academy, fair housing professionals will have the tools necessary to lead fair housing organizations, engage their communities around eliminating housing discrimination, and enforce fair housing law. FHEO has made Academy funds available through HUD’s Community Compass Technical Assistance and Capacity Building Notice of Funding Availability (NOFA). NFHTA was awarded under this NOFA for the first time with the 2018-19 Community Compass NOFA. As the selected vendors begin to operate, the Academy will provide up-to-date training for fair housing professionals across the country.

National Fair Housing Training Academy (NFHTA)	2019 Enacted	2020 Enacted	2021 Request	Inc./Dec.
National Fair Housing Training Academy (NFHTA)	\$1,500,000	\$1,500,000	\$1,500,000	\$0

Outcomes, Performance Indicators, and other evidence

FHEO uses performance indicators and measures outcomes to determine the success of its programs.

FHAP agencies investigate the majority (approximately 80 percent) of the administrative fair housing complaints filed in the country. For FY 2019, FHAP agencies handled approximately 6,125 fair housing complaints and obtained monetary relief totaling more than \$3.76 million, in addition to public interest relief such as adoption/revision of non-discrimination policies, education and outreach efforts, and fair housing training.

The recent case of *David Jackson v. CFU Shelton Knoll, LLC*, from Charlotte-Mecklenburg County, NC, FHAP Agency, exemplifies the kind of success FHAP agencies achieve. Complainant David Jackson requested a reasonable accommodation related to his accessible parking spot. The complainant alleged that due to landscape water and mud runoff, his accessible spot continuously filled up with mud and debris, making it hazardous. He made numerous requests for the landscape drainage to be modified so that his space would not be dangerous, or for the housing provider to move his accessible parking space. He alleged his requests were denied or ignored, and he further alleged retaliation when he received a lease nonrenewal after the housing provider became aware that he filed a complaint with the Charlotte-Mecklenburg FHAP Agency.

The FHAP agency successfully conciliated the complaint and obtained individual relief and public interest relief including, but not limited to, the following:

- \$10,000 in damages, as well as two years' free rent;

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- Correction of the drainage issues with regard to the accessible parking space;
- Upgrades to unit, including \$1,000 for storage expenses associated with upgrades;
- Revision of reasonable accommodation/reasonable modification policy, including policy on assistance animals;
- Rescission of existing policy that required persons with disabilities to submit new documentation every 90 days to evaluate their disability; and
- Fair Housing Training.

FHIP requires grantees to use sound methodologies for recording quarterly and annual successes and positive outcomes, as well as requiring sound financial and management systems that accurately measure performance. Quarterly and final reports are used to gauge grantee performance against stated metrics. For example, in 2019, cases filed with HUD involving a FHIP agency were less likely to be dismissed than other cases. FHIP-assisted complaints resulted in higher conciliation rates (46 percent) than non-FHIP complaints (29 percent).

HUD will evaluate the effectiveness of the NFHTA through short and long-term measures. In the short term, HUD will evaluate training quality (which may include pre- and post-tests). Over the long term, HUD will evaluate how training enhances the quality of FHAP and FHIP-funded agencies' performance. Among many potential measures, this may include improvement in the quality of fair housing investigations, an enhanced ability to conciliate or mediate cases, greater performance consistency, and demonstrated adherence to HUD policy guidance. Finally, in accordance with requirements for Community Compass Technical Assistance and Capacity Building cooperative agreements, HUD will require the awardee(s) of training academy funds to submit financial and program performance reports to HUD.

SUMMARY OF RESOURCES BY PROGRAM

(Dollars in Thousands)

Budget Activity	2019 Budget Authority	2018 Carryover Into 2019	2019 Total Resources	2019 Obligations	2020 Appropriation	2019 Carryover Into 2020	2020 Total Resources	2021 President's Budget
Fair Housing Initiatives Program	39,600	39,600	79,200	39,593	44,950	39,600	84,550	39,600
Fair Housing Assistance Program	23,900	6,658	30,558	24,305	23,500	6,250	29,750	23,900
Limited English Proficiency Initiative	300	254	554	418	350	137	487	300
National Fair Housing Training Academy	1,500	1,500	3,000	2,996	1,500	-	1,500	1,500
Total	65,300	48,012	113,312	67,312	70,300	45,987	116,287	65,300

LEGISLATIVE PROPOSALS AND GENERAL PROVISIONS

The 2021 President's Budget re-proposes the following general provision that was enacted in the 2020 appropriations bill:

- **Fair Housing Act Investigations and Prosecutions:** This section makes clear that the Department will not use its authority under the Fair Housing Act to investigate or prosecute legal activity. (2021 President's Budget, Section 202)

APPROPRIATIONS LANGUAGE

The 2021 President's Budget includes proposed changes in the appropriation language listed below. New language is italicized, and language proposed for deletion is bracketed.

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, [~~\$70,300,000~~ *\$65,300,000*, to remain available until September 30, [2021] *2022: Provided*, [That grants made available from amounts provided under this heading shall be awarded within 180 days of enactment of this Act: *Provided further*,] That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to develop on-line courses and provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan: *Provided further*, That of the funds made available under this heading, [~~\$350,000~~ *\$300,000* shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development. (*Department of Housing and Urban Development Appropriations Act, 2020.*)