

Chapter 2

FAIR HOUSING AND EQUAL OPPORTUNITY

INTRODUCTION

This chapter explains the laws and HUD regulations requiring the PHA to affirmatively further civil rights and fair housing in all federally-assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and processes. The responsibility to further nondiscrimination pertains to all areas of the PHA's housing choice voucher (HCV) operations.

This chapter describes HUD regulations and the PHA policies related to these topics in three parts:

Part I: Nondiscrimination. This part presents the body of laws and regulations governing the responsibilities of the PHA regarding nondiscrimination.

Part II: Policies Related to Persons with Disabilities. This part discusses the rules and policies of the housing choice voucher program related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42.U.S.C.) and Section 504 of the Rehabilitation Act of 1973, and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004.

Part III: Prohibition of Discrimination Against Limited English Proficiency Persons. This part details the obligations of the PHA to ensure meaningful access to the HCV program and its activities by persons with limited English proficiency (LEP). This part incorporates the Final Guidance to Federal Financial Assistance Recipients regarding Title VI prohibitions against National Origin Discrimination affecting Limited English Proficient (LEP) persons published January 22, 2007, in the *Federal Register*.

Part IV: Specific Steps to Affirmatively Further Fair Housing. This part outlines specific and reasonable steps Tarrant County Housing Assistance Office (TCHAO) will take to affirmatively further fair housing, particularly, but not exclusively, with regard to Housing Choice Vouchers awarded under the Family Unification Program (FUP) Notice of Funding Availability (NOFA).

PART I: NONDISCRIMINATION

2-I.A. OVERVIEW

Federal laws require the PHA to treat all applicants and participants equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. The PHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- Violence Against Women Reauthorization Act of 2005 (VAWA)
- When more than one civil rights law applies to a situation, the laws will be read and applied together.
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted

TCHAO Policy

No state or local nondiscrimination laws or ordinances apply.

2-I.B. NONDISCRIMINATION

Federal regulations prohibit discrimination against certain protected classes. State and local requirements, as well as the PHA policies, can prohibit discrimination against additional classes of people.

The PHA shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin (called “protected classes”)

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

TCHAO Policy

The TCHAO will not discriminate on the basis of marital status or sexual orientation.

The TCHAO will not use any of these factors to:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the housing choice voucher program
- Provide housing that is different from that provided to others
- Subject anyone to segregation or disparate treatment
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission
- Steer an applicant or participant toward or away from a particular area based any of these factors
- Deny anyone access to the same level of services
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program
- Discriminate in the provision of residential real estate transactions
- Discriminate against someone because they are related to or associated with a member of a protected class
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class.

2-I.C. USE OF CRIMINAL RECORDS/HISTORY IN MAKING HOUSING DECISIONS

On April 4, 2016, the HUD Office of General Counsel issued a document which was sent to all PHAs, entitled “**Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions.**” HUD urged all PHAs to implement policy based upon the content of this guidance.

TCHAO Policy

Consistent with the aforementioned HUD guidance TCHAO shall implement as policy, the conclusion of the HUD guidance in recognizing that the Fair Housing Act prohibits both intentional housing discrimination and housing practices that have an unjustified discriminatory effect because of race, national origin or other protected characteristics.

Because of widespread racial and ethnic disparities in the U.S. criminal justice system, criminal history-based restrictions on access to housing are likely disproportionately to burden African Americans and Hispanics. While the Act does not prohibit housing providers from appropriately considering criminal history information when making housing decisions, arbitrary and overbroad criminal history-related bans are likely to lack a legally sufficient justification. Thus, a discriminatory effect resulting from a policy or practice that denies housing to anyone with a prior arrest or any kind of criminal conviction cannot be justified, and therefore such a practice would violate the Fair Housing Act.

Consequently, TCHAO policies will not arbitrarily exclude persons based on criminal history, but such policies will rather be tailored to serve substantial, legitimate, nondiscriminatory interest and take into consideration such factors as:

- the type and number of crimes
- arrest or conviction
- length of time since the commitment of the crime and the application date
- rehabilitation since the crime
- wrongful arrest(s)
- other extenuating circumstances

TCHAO shall make such determinations on a case-by-case basis as suggested in the HUD Guidance.

TCHAO will not use selective criminal history as a pretext for unequal treatment of individuals based on race, national origin, or other protected class characteristics.

Providing Information to Families and Owners

The PHA must take steps to ensure that families and owners are fully aware of all applicable civil rights laws. As part of the briefing process, the TCHAO must provide information to HCV applicant families about civil rights requirements and the opportunity to rent in a broad range of neighborhoods [24 CFR 982.301]. The Housing Assistance Payments (HAP) contract informs owners of the requirement not to discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability in connection with the contract.

Discrimination Complaints

If an applicant or participant believes that any family member has been discriminated against by the PHA or an owner, the family should advise the PHA. HUD requires the PHA to make every reasonable attempt to determine whether the applicant's or participant's assertions have merit and take any warranted corrective action. In addition, the PHA is required to provide the applicant or participant with information about how to file a discrimination complaint [24 CFR 982.304].

TCHAO Policy

Applicants or participants who believe that they have been subject to unlawful discrimination may notify the TCHAO either orally or in writing.

The TCHAO will attempt to remedy discrimination complaints made against the TCHAO.

The TCHAO will provide a copy of a discrimination complaint form to the complainant and provide them with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

2-II.A. OVERVIEW

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

The TCHAO must ensure that persons with disabilities have full access to the PHA's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the HCV program.

The U.S. Department of Housing and Urban Development (HUD), Office of Fair Housing and Equal Opportunity (FHEO) published guidelines in their document entitled "*Civil Rights Monitoring Review Checklist*", requiring each agency to designate a Section 504 Coordinator.

The purpose of establishing this function is to satisfy the HUD/FHEO monitoring requirements and to provide the most efficient and effective service possible to our clients.

TCHAO Policy

TCHAO has designated the Quality Control/Compliance Analyst as the agency Section 504/FHEO Coordinator. The Section 504 Coordinator is the first point of contact and subject expert on all FHEO matters. The coordinator handles questions, provides staff training and office-wide cohesiveness on the topic. Specific duties are fully identified and described in the position description of the Compliance Analyst.

The TCHAO will ask all applicants and participants to put in writing, any type of accommodation they require when completing the intake application and reexamination documents by completion and submission to TCHAO of the Reasonable Accommodations Form.

A specific name and phone number will be indicated as the contact for requests for accommodation for persons with disabilities.

2-II.B. DEFINITION OF REASONABLE ACCOMMODATION

A person with a disability may require special accommodations in order to have equal access to the HCV program. The types of reasonable accommodations the PHA can consider include changes, exceptions, or adjustments to a rule, policy, practice, or service.

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the PHA, or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

Types of Reasonable Accommodations

When needed, the PHA may modify normal procedures to accommodate the needs of a person with disabilities. Examples include:

- Permitting applications and reexaminations to be completed by mail
- Conducting home visits
- Using higher payment standards (either within the acceptable range or with HUD approval of a payment standard outside the TCHAO range) if the TCHAO determines this is necessary to enable a person with disabilities to obtain a suitable housing unit
- Providing time extensions for locating a unit when necessary because of lack of availability of accessible units or special challenges of the family in seeking a unit
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with TCHAO staff
- Displaying posters and other housing information in locations throughout the TCHAO's office in such a manner as to be easily readable from a wheelchair

2-II.C. REQUEST FOR AN ACCOMMODATION

In compliance with regulations published by The U.S. Department of Housing and Urban Development (HUD) (24 CFR 982.16), Office of Fair Housing and Equal Opportunity (FHCO), TCHAO developed the following described Reasonable Accommodations forms for the convenience of persons with disabilities and for efficiency of operations.

The purpose of creating these forms is to satisfy the above referenced HUD/FHCO requirements and to provide the highest level of efficiency in serving TCHAO clients.

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that the PHA treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The family must explain what type of accommodation is needed to provide the person with the disability full access to the PHA's programs and services.

If the need for the accommodation is not readily apparent or known to the PHA, the family must explain the relationship between the requested accommodation and the disability. There must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

TCHAO Policy

The TCHAO will encourage the family to make its request in writing using the reasonable accommodation request form described above. However, the TCHAO will consider any accommodation any time the family indicates that an accommodation is needed whether or not the formal written request is submitted on the designated form.

TCHAO staff shall transfer the information onto the ***Reasonable Accommodation Request Form***, at their earliest convenience, to assist in processing requests.

2-II.D. VERIFICATION OF DISABILITY

The regulatory civil rights definition for persons with disabilities is provided in Exhibit 2-1 at the end of this chapter. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

Before providing an accommodation, the PHA must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to the PHA's programs and services.

If a person's disability is obvious or otherwise known to the PHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the PHA, the PHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, the PHA will follow the verification policies provided in Chapter 7. All information related to a person's disability will be treated in accordance with the confidentiality policies provided in Chapter 16. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]
- The PHA must request only information that is necessary to evaluate the disability-related need for the accommodation. The PHA will not inquire about the nature or extent of any disability.

- Medical records will not be accepted or retained in the participant file.
- In the event that the PHA does receive confidential information about a person’s specific diagnosis, treatment, or the nature or severity of the disability, the PHA will dispose of it. In place of the information, the PHA will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

TCHAO Policy

TCHAO staff will utilize a *Reasonable Accommodations Request Verification Form* to assist in verifying pertinent information contained in the request.

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION

[Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The PHA must approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the PHA, or fundamentally alter the nature of the PHA’s HCV operations (including the obligation to comply with HUD requirements and regulations).

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors such as the cost of the requested accommodation, the financial resources of the PHA at the time of the request, the benefits that the accommodation would provide to the family, and the availability of alternative accommodations that would effectively meet the family’s disability-related needs.

Before making a determination whether to approve the request, the PHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the PHA may verify the need for the requested accommodation.

TCHAO Policy

After a request for an accommodation is presented, the TCHAO will respond, in writing within 30 days.

If the TCHAO denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the TCHAO’s operations), the TCHAO will discuss with the family whether an alternative accommodation could effectively address the family’s disability-related needs without a fundamental alteration to the HCV program and without imposing an undue financial and administrative burden.

If the TCHAO believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, the TCHAO will notify the family, in writing, of its determination.

2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

HUD regulations require the PHA to ensure that persons with disabilities related to hearing and vision have reasonable access to the PHA's programs and services [24 CFR 8.6].

At the initial point of contact with each applicant, the PHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

TCHAO Policy

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication is available.

To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with TCHAO staff, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

2-II.G. PHYSICAL ACCESSIBILITY

The TCHAO must comply with a variety of regulations pertaining to physical accessibility, including the following:

- Notice PIH 2010-26
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

The TCHAO's policies concerning physical accessibility must be readily available to applicants and participants. They can be found in three key documents:

- This plan describes the key policies that govern the PHA's responsibilities with regard to physical accessibility.
- Notice PIH 2010-26 summarizes information about pertinent laws and implementing regulations related to non-discrimination and accessibility in federally-funded housing programs.
- The PHA Plan provides information about self-evaluation, needs assessment, and transition plans.

The design, construction, or alteration of the PHA facilities must conform to the Uniform Federal

Accessibility Standards (UFAS). Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the HCV program.

When issuing a voucher to a family that includes an individual with disabilities, the PHA will include a current list of available accessible units known to the PHA and will assist the family in locating an available accessible unit, if necessary.

In general, owners must permit the family to make reasonable modifications to the unit. However, the owner is not required to pay for the modification and may require that the unit be restored to its original state at the family's expense when the family moves.

2-II.H. DENIAL OR TERMINATION OF ASSISTANCE

A PHA's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation [24 CFR 982.552 (2)(iv)].

When applicants with disabilities are denied assistance, the notice of denial must inform them of the PHA's informal review process and their right to request a hearing. In addition, the notice must inform applicants with disabilities of their right to request reasonable accommodations to participate in the informal hearing process.

When a participant family's assistance is terminated, the notice of termination must inform them of the PHA's informal hearing process and their right to request a hearing and reasonable accommodation.

When reviewing reasonable accommodation requests, the PHA must consider whether any mitigating circumstances can be verified to explain and overcome the problem that led to the PHA's decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, the PHA must make the accommodation.

PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

2-III.A. OVERVIEW

Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the HCV program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition against National Origin discrimination Affecting Limited English Proficient Persons, published January 22, 2007, in the *Federal Register*.

The PHA will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).

LEP is defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this administrative plan, LEP persons are HCV applicants and participants, and parents and family members of applicants and participants.

In order to determine the level of access needed by LEP persons, the PHA will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the Housing Choice Voucher program; (2) the frequency with which LEP persons come into contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the PHA and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the PHA.

2-III.B. ORAL INTERPRETATION

In a courtroom, a hearing, or situations in which health, safety, or access to important benefits and services are at stake, the PHA will generally offer, or ensure that the family is offered through other sources, competent services free of charge to the LEP person.

TCHAO Policy

The TCHAO will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. "Reasonable steps" may not be reasonable where the costs imposed substantially exceed the benefits.

Where feasible, the TCHAO will train and hire bilingual staff to be available to act as interpreters and translators, will pool resources with other agencies, and will standardize documents. Where feasible and possible, the TCHAO will encourage the use of qualified community volunteers.

Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the TCHAO. The interpreter may be a family member or friend.

2-III.C. WRITTEN TRANSLATION

Translation is the replacement of a written text from one language into an equivalent written text in another language.

TCHAO Policy

In order to comply with written-translation obligations, the TCHAO will take the following steps:

The TCHAO will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, the TCHAO does not translate vital written materials, but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

2-III.D. IMPLEMENTATION PLAN

After completing the four-factor analysis and deciding what language assistance services are appropriate, the PHA shall determine whether it is necessary to develop a written implementation plan to address the identified needs of the LEP populations it serves.

If the PHA determines that it is not necessary to develop a written implementation plan, the absence of a written plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to the PHA's Housing Choice Voucher program and services.

TCHAO Policy

If it is determined that the TCHAO serves very few LEP persons, and the TCHAO has very limited resources, the TCHAO will not develop a written LEP plan, but will consider alternative ways to articulate in a reasonable manner a plan for providing meaningful access. Entities having significant contact with LEP persons, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants will be contacted for input into the process.

If the TCHAO determines it is appropriate to develop a written LEP plan, the following five steps will be taken: (1) Identifying LEP individuals who need language assistance; (2) identifying language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) monitoring and updating the LEP plan.

PART IV: SPECIFIC STEPS TO AFFIRMATIVELY FURTHER FAIR HOUSING

2-IV.A. OVERVIEW

It is the mission of the Tarrant County Housing Assistance Office (TCHAO) to promote non-discrimination and ensure fair and equal housing opportunities for all. In an ongoing effort to provide services and activities on a nondiscriminatory manner and to affirmatively further fair housing, TCHAO is obligated by law to implement and enforce all applicable fair housing and other federal, state and local laws for all program applicants and participants in search of housing.

TCHAO Policy

TCHAO has a strong commitment to affirmatively furthering fair housing as one of its guiding principles. It is a requirement for all staff and those doing business with the agency, not only to be aware of these principles but to vigorously implement and enforce them at all times.

2-IV.B. SPECIFIC STEPS TO AFFIRMATIVELY FURTHER FAIR HOUSING

Tarrant County Housing Assistance Office will take reasonable specific steps to affirmatively further fair housing in all of its programs and operations, and most particularly the Family Unification Program. These steps include, but are not limited to the following:

1. Education.

TCHAO ensures that all employees, program applicants, participants and landlords are properly trained or briefed and provided essential information and guidance on fair housing laws, rights and responsibilities.

2. Advertising and Marketing

As appropriate and when funds are available, TCHAO ensures the broadest communication possible of fair housing rights, laws and responsibilities. We further ensure that whenever vouchers are available, information is mailed and advertised to the general population.

3. Ensuring that communications and service delivery is accessible to persons with disabilities.

TCHAO recruits applicants, participants and landlords without regard to race, color, religion, sex, age, national origin, familiar status, disability, or language. To facilitate equal access, TCHAO has implemented the Limited English Proficiency rules to ensure equal access for persons with Limited English Proficiency. Additionally, TCHAO provides alternate means of communication via employing Spanish Speaking persons, implementing a computer communication system for persons who are deaf or hard of hearing, large print materials, and when necessary sign language interpretation upon request and/or when necessary.

4. Promote fair and equal housing rights and fair housing choices:

TCHAO promotes fair housing in every aspect of our business operations:

- a. The TCHAO website features an entire section on Fair Housing rights, laws and detailed information on how to file complaints.
- b. Participants and landlords are briefed and provided handouts and other printed materials on their rights, responsibilities and fair housing laws.
- c. Fair Housing posters and appropriate information is conspicuously placed in our main entrance in English and Spanish.
- d. We are updating all TCHAO materials and letterhead to include the fair housing logo.
- e. Articles about fair housing are featured, when available, in newsletters for program participants.
- f. TCHAO partners with accessibility advocacy groups and provides referrals to fair housing agencies, when appropriate.

Using the above methods, at a minimum, TCHAO works to prevent, discourage and remedy discrimination and promote fair housing as well as fair housing choices.

5. Furthering Fair Housing in Home Ownership

TCHAO has worked with FSS families and participants to promote homeownership through educational programs and partnerships with local housing counseling agencies, mortgage lenders and real estate professionals. Such education includes a component explaining fair housing in real estate transactions, including fair lending practices and disclosures. TCHAO has expanded its homeownership initiative through utilization of HCV's.

2-IV.C. IDENTIFYING AND ENSURING CERTIFICATION OF FUP ELIGIBLE FAMILIES AND YOUTH

The TCHAO will determine if any families with children, or youths age 18 through 24 on its HCV waiting list are living in temporary shelters or on the street that may be on the TCHAO waiting list and ensuring that the family or youth maintain their original position on the waiting list after certification.

2-IV.D. APPROPRIATELY PLACING ALL FUP ELIGIBLE FAMILIES AND YOUTH REFERRALS

Any FUP eligible family or youth certified by the PCWA (CPS) as eligible and not on the HCV waiting list will be appropriately placed on the waiting list in accordance with TCHAO preference(s) and the date and time their fully completed application is received by TCHAO from the CPS on the HCV waiting list in order of first come, first served.

2-IV.E. INFORMING APPLICANTS ON HOW TO FILE A FAIR HOUSING COMPLAINT

The following information is posted and provided to all program applicants, participants, and landlords.

HOW TO FILE A HOUSING DISCRIMINATION COMPLAINT

Housing discrimination based on your race, color, national origin, religion, sex, family status, or disability is illegal by federal law. If you have been trying to buy or rent a home or apartment and you believe your rights have been violated, you can file a fair housing complaint.

There are several ways to file a complaint:

1. You may call HUD in Washington, DC **toll-free 1 (800) 669-9777**
2. You may file electronically or print out a complaint form at www.hud.gov and navigate to or search: Fair Housing Office/Complaint Form.

If you print out the form you may mail it to:
U.S. Department of Housing & Urban Development
Office of Fair Housing and Equal Opportunity
801 North Cherry Street - 28th Floor
Fort Worth, TX 76102

3. You may call the Fort Worth Office of HUD, Fair Housing Division at:
(817) 978-5900
1- (888) 560-8913
Fax (817) 978-5878
TTY (817) 978-5595
Email: Complaints_office_07@hud.gov

(or)

You may file in person or write the local HUD Office at:
U.S. Department of Housing & Urban Development
Office of Fair Housing and Equal Opportunity
801 North Cherry Street - 28th Floor
Fort Worth, TX 76102

4. You may call, write or come into our office, Monday through Friday from 8:00 AM to 4:00 PM to file a complaint at:
2100 Circle Drive
Fort Worth, TX 76119
(817) 531-7640

If you write please include:

- Your full name and address (including city, state and zip code)
- The name and address of the person or company your complaint is about.
- The address of the house or apartment you were trying to rent or buy.
- The date when the incident occurred.
- A brief description of what happened.



2-IV.F. COMPLIANCE WITH 24 CFR Sec 903.7

TCHAO will comply with the affirmatively furthering fair housing requirements of 24 CFR Section 903.7(o) by doing the following:

- Examining our programs and proposed programs to ensure compliance with applicable fair housing laws.
- Identifying any impediments to fair housing choice within these programs, if any.
- Addressing those impediments in a reasonable fashion in view of the resources available.
- Working with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require TCHAO's involvement.
- Maintaining records reflecting any and all appropriate analyses and actions.

2-IV.G. COMPLIANCE WITH AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) FINAL RULE PUBLISHED IN THE FEDERAL REGISTER, JULY 16, 2015

TCHAO will comply with all requirements of the above rule by doing the following:

- Administering all programs in a manner that furthers the policy of AFFH, thereby ensuring that discrimination does not occur.
- Taking proactive steps to address the issues of segregation and related barriers, particularly as reflected in racially and ethnically concentrated areas of poverty.
- Working toward improving fair housing choices for all through supporting and promoting integrated communities.
- Assess issues related to fair housing choices; and
- Identify fair housing goals that will end racially and ethnically concentrated areas of poverty.

2-IV.H. PROACTIVE STEPS IN ADDRESSING ACCESSIBILITY

Where requested by an individual or individual's representative, TCHAO will assist program applicants and participants to gain access to supportive services available within the community, but not require eligible applicants or participants to accept supportive services as a condition of continued participation in the program.

2-IV.I. PUBLIC AND PRIVATE FUNDING SOURCES

Identify public and private funding sources to assist participants with disabilities in covering the costs of structural alterations and other accessibility features that are needed as accommodations for their disabilities

2-IV.J. NON DENIAL OF PARTICIPATION

TCHAO ensures that no person who qualifies for a HCV under this program, FUP or any other housing opportunity under its jurisdiction is otherwise restricted or denied access to TCHAO programs. All eligible applicants who choose not to participate are assured equal access.

2-IV.K. HOUSING SEARCH ASSISTANCE

TCHAO provides housing search assistance as necessary and/or when requested, based upon available staff resources. At the very least, lists of various vacancies are provided in addition to technical assistance.

2-IV.L. RENT REASONABLENESS

In accordance with rent reasonableness requirements, TCHAO approves higher rents, as appropriate and consistent with HUD regulations and TCHAO Administrative Plan, to owners that provide accessible units with structural modifications for persons with disabilities.

2-IV.M. TECHNICAL ASSISTANCE

TCHAO provides technical assistance, through referrals to local fair housing and equal opportunity offices, to owners interested in making reasonable accommodations or units accessible to persons with disabilities.

EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3, 25.104, and 100.201]

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- Has a record of such impairment, or
- Is regarded as having such impairment

The phrase “physical or mental impairment” includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

“Major life activities” includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

“Has a record of such impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

“Is regarded as having an impairment” is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the PHA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

The definition of a person with disabilities does not include:

- Current illegal drug users
- People whose alcohol use interferes with the rights of others
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the HCV program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the \$400 elderly/disabled household deduction, the \$480 dependent deduction, the allowance for medical expenses, or the allowance for disability assistance expenses.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the HCV program, yet an accommodation is needed to provide equal opportunity.