

Section 6.0 AFFIRMATIVELY FURTHERING FAIR HOUSING

In the provision of housing services and programs, the New York State Homes & Community Renewal (HCR) promotes Fair Housing and Equal Opportunity and carries out its responsibilities pursuant to: Presidential Executive Order #11063 requiring equal opportunity in housing; The Fair Housing Act of 1968 - Title VIII; and The Americans with Disabilities Act (ADA).

It is the policy of HCR's Statewide Section 8 Housing Choice Voucher (HCV) Program to ensure that participating landlords and each of its local program offices fully comply with all Federal, State, and local nondiscrimination laws and the U.S. Department of Housing and Urban Development (HUD) regulations governing Fair Housing and Equal Opportunity. No person shall, on the grounds of race, religion, color, national origin, sex, marital status, age, disability, military status or sexual orientation be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any of its housing programs.

HCR's Fair and Equitable Housing Office (FEHO) was organized to respond to the Agency's expanding role in monitoring the progress of access to Fair Housing initiatives. In this effort, HCR's website makes available the following publications:

- Fair Housing and Equal Opportunity form;
- Anti-Discrimination form;
- Affordable Housing Directories;
- Statewide Listing of HCR Section 8 Providers;
- FAQs;
- Section 8 Information Sheets;
- Agency contact phone numbers; and
- A complaint line.

HCR actively participates with local landlords in an effort to educate them regarding Fair Housing laws and conducts outreach programs to recruit additional landlords for the purpose of expanding housing choice to program participants by encouraging landlords to list their properties in areas of low minority and poverty concentration.

6.01 Assistance to Families Claiming Discrimination

LAs will provide Federal/State/local information to applicants for and participants in the Section 8 HCV Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application. The HUD Fair Housing Information and Discrimination Complaint Forms (Form 903) will be made available at the HCR Statewide Section 8 Voucher Program Office, the offices of each HCR Local Administrator, and on the HCR website. In addition, all appropriate written information and advertisements will contain the appropriate Equal Housing Opportunity language and logo.

The LA will assist any participant who believes he/she has suffered illegal discrimination by providing him/her with copies of the housing discrimination form. The LA will also assist the participant in completing the form, if requested, and will provide him/her with the address of the nearest HUD Office of Fair Housing and Equal Opportunity.

The LA will advise families regarding how to file a complaint if they believe they have been discriminated against by an owner. The LA will advise the participant to make a Fair Housing complaint. The LA may also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing organization.

6.02 Section 8 Housing Choice Voucher Programs

In addition to the Housing Choice Voucher Program, HCR administers the following programs in selected communities throughout the State of New York:

- Family Self-Sufficiency (FSS) Program;
- Family Unification Program (FUP);
- Veterans Affairs Supportive Housing (VASH) Program, in partnership with the Department of Veterans Affairs Medical Centers.

The purpose of FSS is to create an opportunity for families receiving Section 8 rental assistance to improve and develop their ability to increase employment opportunities and enhance life skills needed to become self-reliant. All families who are currently receiving assistance from HCR's Section 8 HCV program are eligible for voluntary participation in FSS.

The purpose of FUP is to create an opportunity for families for whom lack of adequate housing is the primary reason for a child or children being placed in out-of home care. It is HCR's policy to service all FUP-eligible referrals up to allowable budget authority, and not to limit the number of FUP referrals to the total allocation of FUP vouchers awarded by HUD.

The HUD-Veterans Affairs Supportive Housing Voucher (HUD-VASH) Program combines HUD Housing Choice Voucher (HCV) rental assistance for eligible homeless veterans with case management and clinical services provided by the Department of Veterans Affairs in its medical centers in the communities. Referrals are made to HCR Local Administrators (LAs) by their partnering VA Medical Centers (VAMCs), and the LAs administer the program following regular HCV program requirements, as modified by HUD for the VASH program.

6.03 Fair Housing Policies

The agency provides both in-house and HUD-approved housing counseling services conducted by Neighborhood and Rural Preservation Companies and Neighbor Works organizations. As FSS and FUP families complete their requirements and graduate from the Housing Choice Voucher program, additional openings are made available for other low income families to qualify. The agency implements numerous initiatives to further the purposes of the Fair Housing Act. Strategies to promote fair housing rights and choice include mobility counseling; tenant, staff

and owner education; and special initiatives to encourage housing search in areas where there are low concentrations of poverty and minority households.

All Housing Choice Voucher programs, including the Homeownership option, are marketed to all eligible families including persons with disabilities and those with limited English proficiency. HCR administers the Assets for Independence Program that allows families to accumulate funds for down payments & closing costs when preparing to become homeowners.

HCR complies with all fair housing requirements of 24 CFR Section 903.7(o) and takes the following steps in addressing fair housing issues for persons with disabilities:

- a) The agency does not deny participants who qualify for a voucher under either its Mainstream or Non-Elderly Families with Disabilities (NED) Programs the opportunity to apply for other subsidized housing programs;
- b) The agency does not restrict access to other housing programs to eligible disabled applicants who decline to participate in the Mainstream or NED programs.

HCR assures that people with disabilities have access to other housing assistance programs that are not limited to disabled families. The program is promoted by conducting outreach to independent living centers, veterans' services offices, and other agencies that service disabled families.

HCR will extend housing search time for people with disabilities when necessary and provide for exceptions to HCV payment standards and utility allowances as needed, including advising disabled families of the availability of these exceptions and the criteria used to evaluate and implement them. The agency advises owners and participants that higher rents will be approved for making structural modifications that result in making units more accessible for persons with disabilities. HCR will approve larger bedroom size payment standards to accommodate disabled families who need additional space for medical equipment or live-in aides.

HCR makes accommodations for disabled and non-English speaking individuals, such as providing home visits and having translators present. Accessibility for the hearing impaired is provided upon request. Specific steps taken to promote fair housing include advertising in local media outlets with waiting list openings, including employing HCR's website with links to all local housing programs throughout the state.

Where requested, the agency will:

- Assist program applicants and participants in gaining access to local supportive services;
- Provide housing search assistance in accordance with Rent Reasonableness requirements; and
- Approve higher rents to owners that provide accessible units with structural modifications for persons with disabilities.

HCR accepts mailed applications from individuals who are unable to come to the management office because of a disability and provides applicants with disabilities a listing of accessible apartments and reasonable accommodations that remove barriers to HCV participation.

HCR's policies on Housing Choice Vouchers terms, as outlined in Section 2.01 of the Administrative Plan, allows each applicant adequate time for successful housing searches, and provides for extensions in response to requests for reasonable accommodation. Requests for approval of exception rent areas are granted in a timely fashion, as appropriate. Geographic choice is fostered through the Housing Choice Voucher portability provisions.

HCR's central Section 8 Housing Choice Voucher System (SHCVS) tracks participant information such as race, ethnicity, familial status, and disability status in order to insure compliance with Fair Housing regulations. HCR employs HUD-certified Housing Counseling Agencies that provide counseling services to participants in financial education, debt and credit repair, pre and post purchase counseling, default counseling and predatory lending. HCR sponsors numerous regional workshops that include information on fair housing and predatory lending.

HCR's applicant briefing package includes information on the fair housing rights of HCV participants and where a discrimination complaint may be filed, including the office address, telephone number, and TTY number of the local fair housing agency, or HUD's Office of Fair Housing and Equal Opportunity. The briefing material also includes the toll free number for the HUD Housing Discrimination Hotline, (800) 669-9777. This information can also be accessed for the hearing impaired via TTY at (800) 927-9275 and/or by calling the Federal Relay Service (FedRelay) at (800) 877-8339.

HCR conducts outreach to organizations which assist people with disabilities, the elderly, students, immigrants, homeless people and victims of domestic violence. Equal Housing Opportunity advertisements and applicable Fair Housing Information and Discrimination Complaint Forms are available at each local office.

6.04 Violence Against Women Act (VAWA)

The Violence Against Women and Justice Department Reauthorization Act of 2005, (VAWA) protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from HUD Section 8 assistance based on acts of such violence against them.

PHAs are required to notify their program participants and landlords of their rights and obligations under VAWA. Accordingly, LAs have been instructed to utilize HUD's revised Housing Assistance Payments Contract (HUD-52641) and Tenancy Addendum (HUD 52641-A) which contain the VAWA provisions; provide all program participants with Form HUD 50066, *Certification of Domestic Violence, Dating Violence, or Stalking* (at the time of admission, termination, or the start of an eviction proceeding); and provide all landlords with HCR's

Information Sheet entitled *The Violence Against Women Act - Landlords Rights and Responsibilities*.

In responding to an incident involving domestic violence, dating violence, or stalking that may affect a tenant's participation in the Housing Choice Voucher program, the LA must request that the individual certifies in writing that he/she is a victim of such violence or stalking.

Certification may be done by completing Form *HUD 50066*. The form requires specific information concerning the name of the perpetrator and the date and location of the incident. The form, if utilized to meet the certification requirement, must be completed, dated, signed and submitted by the individual within 14 business days of the LA request, unless extended by the LA. The form is available on the HUD website or on HCR's forms website page.

Evidence other than (or in addition to) the HUD certification form may also be accepted by the LA to meet the certification requirement. HUD Notice PIH 2006-42 contains details regarding other acceptable forms of verification. The LA is not required to demand official documentation or physical proof of the violence. The signed certification or other corroborating evidence is sufficient to trigger the protections available under the Act.

If the individual does not provide the Form HUD 50066 or the information that may be provided in lieu of the certification by the 14th business day, or any extension of that date authorized by the LA, none of the protections afforded under this Act will apply.

LAs should be aware of the confidential nature of all VAWA-related documentation and must observe confidentiality requirements set forth in the Notice.