

Fair Housing in the ESG Program

Presented by:

Texas Department of Housing & Community Affairs

Disclaimer

This material is based upon work supported by the U.S. Department of Housing and Urban Development under the FHIP Grant No. FEOI1900455.

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Before we start...

- All materials and recordings of this webinar will be available on the TDHCA website.
- If you have any questions, please enter them into the question chat box – after every segment, we will answer the questions in the chat box.
- This training is informational only and does not satisfy the requirements in 10 TAC 10.402(e)(1)-(2) for post bond closing documentation (for Multifamily Bond transactions) and documentation submitted for the 10 Percent Test (for Housing Tax Credits).



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Agenda

- FEDERAL & TEXAS FAIR HOUSING ACTS
- REASONABLE ACCOMMODATION & MODIFICATION OVERVIEW
- AFFIRMATIVE OUTREACH
- LIMITED ENGLISH PROFICIENCY
- VIOLENCE AGAINST WOMEN ACT
- FAIR HOUSING DOCUMENTATION
- COMPLAINTS & MEDIATION



Learning Objectives

- Understand the basics and history of the Federal and Texas Fair Housing Acts
- Recall Covered/Protected Classes
- Recognize Common Fair Housing Issues and Discriminatory Practices within the ESG program
- Understand Fair Housing and TDHCA Complaint processes



Federal & Texas fair housing acts

What is the fair housing act?

- It is the policy of the United States to provide, within constitutional limitations, for fair housing through the United States. No person shall be subjected to discrimination because of their race, color, religion, sex, handicap (disability), familial status, or national origin in the sale, rental, or advertising of dwellings, in the provision of brokerage services or in the availability of real estate-related transactions. (24 CFR 200.5(a))



THE Texas fair housing act

The Texas Fair Housing Act mirrors the text of the Federal Fair Housing Act

- Passed by the Texas Legislature on May 25, 1989
- The Texas Commission on Human Rights, established June 26, 1983 by the state legislature, originally enforced the Texas Fair Housing Act
- Since September 1st, 2015, the duties of the Texas Commission on Human Rights were transferred to the Civil Rights Division of the Texas Workforce Commission.



ADDITIONAL CIVIL RIGHTS LAWS

- Title VI of the Civil Rights Act of 1964
- Section 504 of Rehabilitation Act & Implementing Regulations at 24 CFR Part 8
- Title VIII of the Civil Rights Act of 1968 (The Fair Housing Act)
- American with Disabilities Act (ADA), Title II and Title III
- The Age Discrimination Act of 1975
- Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency)
- General Federal Requirements (24 CFR part 5), including
New Equal Access to Housing in HUD Programs (Final Rule)
- The Architectural Barriers Act of 1968

And others...

Protected Classes/Bases

- Race
- Color
- National Origin
- Familial Status
- Religion
- Sex
- Disability

EQUAL ACCESS TO HOUSING FINAL RULE

Protected Classes

1. Sexual orientation (Lesbian, Gay, Bisexual, or Transgender)
2. Gender identity (private sense of own gender, Male to Female or Female to Male identification or change)
3. Marital status

Fair Housing and ESG

CIVIL RIGHTS RELATED TO ESG

- Equal access and non-discriminatory policies for protected classes
- Access and reasonable accommodations for persons with a disability
- Affirmative outreach
- Improving access for persons with Limited English proficiency
- Consistent written policies/procedures evaluating & targeting of services for all persons

ESG CIVIL RIGHTS QUESTIONS

- Is your shelter selecting applicants in a manner compliant with fair housing?
- Is your shelter accessible to persons with disability?
- Have you documented the process to receive reasonable accommodations requests?



ESG CIVIL RIGHTS QUESTIONS (CON'T)

- Are you performing affirmative outreach to ensure that your facility/services reach all persons who qualify?
- If your shelter is for only a specific population, do you know that this is okay because of an exception?
- Is your program under-serving any protected class?
 - If so, do you know why?



ESG CIVIL RIGHTS QUESTIONS (CON'T)

- Do you have program materials available in other languages?
- Is your program consistently following written policies and procedures related to prioritizing clients' needs, targeting services and outreach, admission standards, and referral and discharge processes?



FAIR HOUSING ACT USE OF CRIMINAL RECORDS

- As much as 1/3 of the U.S. adult population have a criminal record of some sort
- Nationally, racial & ethnic minorities face disproportionately high rates of arrest and incarceration
- The ability to access safe, secure and affordable housing is critical to their successful reentry to society
- Criminal records-based barriers to housing may have a disproportionate impact on minority housing seekers

- HUD Guidance, Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions:
http://portal.hud.gov/hudportal/documents/huddoc?id=HUD_OGCGuidAppFHASStandCR.pdf

FAIR HOUSING ACT EXCLUDING INDIVIDUALS WITH PRIOR ARRESTS

- A housing provider with a policy or practice of excluding individuals because of prior arrests without any conviction cannot satisfy its burden of showing that:
 - Policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest.
 - Policy or practice assists in protecting resident safety or property.

EXCLUDING INDIVIDUALS WITH PRIOR ARRESTS & CONVICTIONS

- Excluding individuals with prior convictions

- A housing provider that imposes a blanket prohibition on any person with any conviction record – no matter when the conviction occurred, what the underlying conduct entailed, or what the convicted person has done since then – will be unable to meet this burden.
- Must be a case-by-case basis
- May be tied to another federal funding source.

HUD Guidance, Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions:
http://portal.hud.gov/hudportal/documents/huddoc?id=HUD_OGCGuidAppFHASandCR.pdf



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-0500

April 4, 2016

**Office of General Counsel Guidance on
Application of Fair Housing Act Standards to the Use of Criminal Records by
Providers of Housing and Real Estate-Related Transactions**

I. Introduction

The Fair Housing Act (or Act) prohibits discrimination in the sale, rental, or financing of dwellings and in other housing-related activities on the basis of race, color, religion, sex, disability, familial status or national origin.¹ HUD's Office of General Counsel issues this guidance concerning how the Fair Housing Act applies to the use of criminal history by providers or operators of housing and real-estate related transactions. Specifically, this guidance addresses how the discriminatory effects and disparate treatment methods of proof apply in Fair Housing Act cases in which a housing provider justifies an adverse housing action – such as a refusal to rent or renew a lease – based on an individual's criminal history.

ACCESS AND NON-DISCRIMINATORY POLICIES

- Citations:

- 24 CFR Part 5
- Fair Housing Act Sections 804 & 808
- Violence Against Women Act of 2013

- Resources:

- Fair Housing Case Law: <http://www.justice.gov/crt/about/hce/caselist.php>
- ADA Technical Resource Publications:
<http://www.ada.gov/ta-pubs-pg2.htm>
- Equal Rights Center (toolkits and Brochures) http://www.equalrightscenter.org/site/PageServer?pagename=pubs_main
- Texas Workforce Commission (ask for a free fair housing training or file a complaint)
- <http://www.twc.state.tx.us/crd/housing-discrimination.html>

ACCESS AND NON-DISCRIMINATORY POLICIES IN SHELTERS

- If your shelter serves families you must provide shelter services to:
 - A single parent (mother or father) with minor children (under 18)
 - Two household adults regardless of sexual orientation, marital status, or gender identity

ACCESS AND NON-DISCRIMINATORY POLICIES IN RENTAL ASSISTANCE

- Subrecipients are prohibited from:
 - "Steering" which is guiding program participants towards or away from certain neighborhoods (or a certain part of a building in an apartment complex)
 - Refusing to consider reasonable accommodations necessary to help persons with disabilities access and participate in services
 - Having inconsistent or discriminatory application, eligibility, and tenant selection criteria

ACCESSIBLE FACILITIES REQUIREMENTS

Applies to shelters and agencies where ESG clients seek/receive services

- Citations:

- 24 CFR Part 8, 24 CFR Part 100, 28 CFR Part 35
- Section 504 of the Rehabilitation Act
- Fair Housing Act
- Title II of the American with Disabilities Act

- Resources:

- As applicable, ADA Checklist for Emergency Shelters: <https://www.ada.gov/shleterck.htm>
- As applicable, ADA Existing Facilities Checklist: <http://adachecklist.org/doc/fullchecklist/ada-checklist.pdf>

REASONABLE ACCOMODATIONS

REASONABLE ACCOMMODATIONS

- Subrecipients must:
 - Make reasonable accommodations in policies, practices, and procedures to accommodate individuals with disabilities
 - Pay for modifications to a physical structure for reasonable accommodations
 - For more information go to: <http://www.tdhca.state.tx.us/fair-housing/presentations.htm>



REASONABLE ACCOMMODATIONS (CON'T)

- **Subrecipients may not, on the basis of disability:**
 - Deny qualified individuals the opportunity to participate in the ESG program
 - Deny access to ESG assistance as a result of physical barriers
- Citations:
 - Section 504
 - ADA Title II and Title III
 - 10 TAC §1.204

HOW REASONABLE ACCOMODATIONS WORK

1. An individual with a disability requests verbally or in writing an accommodation related to their disability.
 - The accommodation can be requested to a program policy, practice, or procedure.
2. The Subrecipient reviews the request and makes the reasonable accommodation.
 - If request represents a fundamental alteration of the nature of the program or service or an undue financial or administrative burden it is not reasonable.
3. If accepted, the reasonable accommodation is made at the Subrecipient's expense. If denied, alternatives must be discussed with the requestor.
4. TDHCA requires subrecipients to respond to reasonable accommodations requests within a reasonable amount of time, not to exceed 14 calendar days.

REASONABLE ACCOMMODATION EXAMPLE

The beds or sleeping area at a shelter is first come, first serve. However, an individual with a visual impairment feels better sleeping closer to the staff in case they need a sighted guide or personal aide.

A Reasonable Accommodation would be to reserve a bed for the individual and discuss the option of providing a sighted guide or aide depending on the length of their stay at the shelter.





REASONABLE ACCOMMODATION- EXAMPLE

Check-out time at a facility is at 11 AM each morning. An individual has a mobility impairment and takes longer to collect their things and exit on time.

A Reasonable Accommodation might include providing the individual additional time to leave the shelter, or providing an aide to the individual to assist them in leaving on time.

CONSIDERATIONS REASONABLE ACCOMMODATIONS

- Due Process
 - How will you let all program participants know about their right to request a reasonable accommodation?
 - How will you ask reasonable accommodation requests to be made and to whom?
 - Is your reasonable accommodation policy posted or on the materials you give out to advertise your shelter or housing assistance service?

CONSIDERATIONS REASONABLE ACCOMMODATIONS (CON'T)

- Due Process (con't)
 - Do your program participants know how to file a complaint if they believe they are being discriminated against?
 - Do any of your policies or procedures have an unintended impact on eligibility or service provision for persons with disabilities?
- Partnerships
 - Do you have relationships to service providers that can offer translation or auxiliary services when they are requested?

AFFIRMATIVE OUTREACH

AFFIRMATIVE OUTREACH

- ESG Subrecipients must engage in affirmative outreach.
 - Must make known that the use of facilities, assistance, and services are available to all persons on a nondiscriminatory basis.
 - The provision guides recipients and sub-recipients to establish additional procedures that ensure that persons of any particular race, color, religion, sex, age, national origin, familial status or disability are made aware of facilities, assistance, and services, and also that appropriate steps be taken to ensure effective communication with persons with disabilities and persons with limited English proficiency.

EXAMPLE AFFIRMATIVE OUTREACH

- Marketing
 - Marketing programs to groups under-represented in your service data
- Partnerships
 - Creating partnerships or referral relationships with community based agencies or non-profits
- Translating documents
 - Translating documents that advertise assistance, services, and contact information into other languages common in the community

EXAMPLE AFFIRMATIVE OUTREACH (CON'T)

- Pool of translators
 - Identifying people in a Language Assistance Plan who will be on call to assist persons who speak an alternate primary language and need assistance communicating
- Accessible documents
 - Making documents accessible by online tools used by persons with visual and hearing impairments, such as screen readers
- Inclusive outreach
 - Ensuring that current methods of outreach do not intentionally or unintentionally exclude protected groups & classes

CONSIDERATIONS AFFIRMATIVE OUTREACH

- Data and Self-Assessment
 - Have you performed a self assessment or surveyed your community about its awareness of your services and assistance?
 - Are you consistently evaluating your service data to ensure that you know whether certain groups are under-represented and why?

CONSIDERATIONS AFFIRMATIVE OUTREACH (CON'T)

- Marketing
 - How have you ensured that persons with Limited English Proficiency (LEP) and disabilities receive information about your services?
 - Are you marketing your services outside of your immediate area?
 - If you make use of a referral network, have you ensured that the referral network is not excluding certain protected classes and groups based on its selection of referral partners?

CONSIDERATIONS AFFIRMATIVE OUTREACH (CON'T)

- Preferences
 - Does your assistance program operate preferences?
 - Are your preferences lawful or are they resulting in a discriminatory impact?

IMPROVING ACCESS TO PERSONS
WITH
LIMITED ENGLISH PROFICIENCY (LEP)

IMPROVING ACCESS TO PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

- Citations:

- Executive Order 13166

- Resources:

- Limited English Proficiency (LEP) Frequently Asked Questions
- http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq#q20

IMPROVING ACCESS TO PERSONS WITH LEP (CON'T)

- Subrecipients must:
 - Take reasonable steps to ensure meaningful access to ESG activities to persons who as a result of their national origin are limited in their English language proficiency.
- This may include:
 - Providing language assistance services (oral and written)
 - Translating advertising about available services
 - Translating or interpreting notices about participant rights
 - Making documents vital for program access available in languages spoken in the community

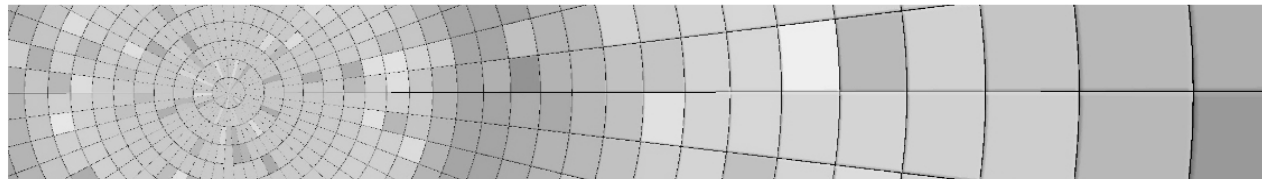
IMPROVING ACCESS TO PERSONS WITH LEP (CON'T)

- Subrecipients must:
 - Create and maintain a Language Assistance Plan that identifies voluntary or contracted services for assistance
- Language Access Plan (LAP)
 - Spanish is a required language
 - Other languages may be identified by Applicant
 - Consider Spanish-speakers' access to activities
 - How language access will be addressed for each ESG activity proposed

IMPROVING ACCESS TO PERSONS WITH LEP (CON'T)

- Research persons with limited English proficiency, languages spoken
<https://www.lep.gov/maps>

Data and Language Maps



Page Navigation

Language Map App

Additional LEP Maps for
2015, 2014, 2013, and 2012

Commonly Asked
Questions Regarding LEP
Data and Mapping Tool

Other LEP Data and Maps

Additional LEP Maps

2015 - Additional LEP Maps

2014 - Additional LEP Maps

2013 - Additional LEP Maps

2012 - Additional LEP Maps

Language Map App

The Civil Rights Division's Language Map App is an interactive mapping tool that helps users find out the concentration of and languages spoken by LEP individuals in a community. Click on your state or county to identify the number or percentage of LEP persons, download language data, or visually display LEP maps for presentations. We encourage users to test the features of the Language Map App and provide feedback to help us improve functionality.

- 2015 Map App
- 2015 Accessible Version with Downloadable Data
- Language Map Apps for 2014-2012

Additional LEP Maps for 2015, 2014, 2013, and 2012

Commonly Asked Questions Regarding LEP Data and Mapping Tool

Other LEP Data and Maps

U.S. Census Bureau LEP Data

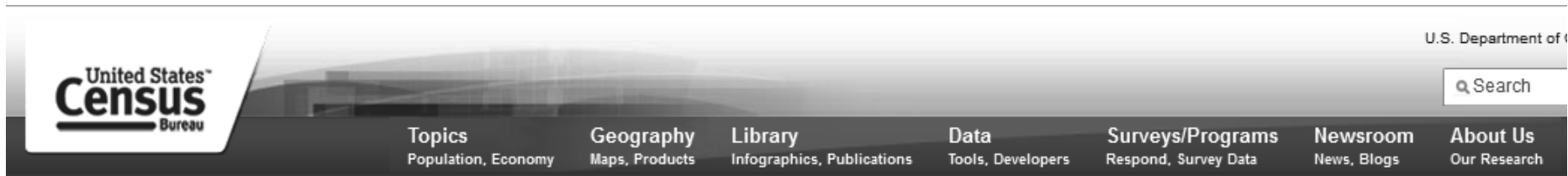


U.S. Department of Health and Human Services LEP Data



IMPROVING ACCESS TO PERSONS WITH LEP (CON'T)

- Census Bureau Website: <http://www.census.gov/data/tables/2013/demo/2009-2013-lang-tables.html>



Census.gov > Tables > Detailed Languages Spoken at Home and Ability to Speak English

Data

Data Tools and Apps

Developers

Mobile Apps

Product Catalog

Related Sites

Software


Training & Workshops


Visualizations


Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over: 2009-2013


October 2015



 Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for United States: 2009-2013 [<1.0 MB]

 Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for States: 2009-2013 [<1.0 MB]

 Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for Counties: 2009-2013 [<1.0 MB]

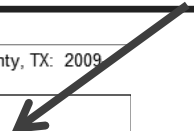
 Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for Core-Based Statistical Areas (CBSAs): 2009-2013 [<1.0 MB]

IMPROVING ACCESS TO PERSONS WITH LEP (CON'T)

- Data example, Tarrant County, TX

Table 141. Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for Tarrant County, TX: 2009-2013

	Number of speakers ¹	Margin of Error ²	Speak English less than "Very Well" ¹	Margin of Error ²
Population 5 years and over	1,705,872	17	210,263	3,908
Speak only English at home	1,233,882	4,807	(X)	(X)
Speak a language other than English at home	471,990	4,804	210,263	3,908
SPANISH AND SPANISH CREOLE	358,580	3,753	165,808	3,349
Spanish	358,580	3,753	165,810	3,349
OTHER INDO-EUROPEAN LANGUAGES	39,353	2,068	11,305	1,262
French (incl. Patois, Cajun)	6,122	909	1,430	377
French	6,070	913	1,430	377
Patois	35	48	(B)	--
Cajun	(D)	(D)	(B)	--
French Creole	661	327	194	172
Italian	847	266	141	84
Portuguese (incl. Portuguese Creole)	1,957	452	238	152
Portuguese	1,955	452	240	152
German (incl. Luxembourgian)	3,432	503	494	181
German	3,430	503	495	181
Other West Germanic languages	312	130	19	31
Dutch	240	125	(D)	(D)
Afrikaans	75	55	(B)	--
Scandinavian languages	335	132	(B)	--
Swedish	225	120	(B)	--
Danish	(D)	(D)	(B)	--
Norwegian	40	33	(B)	--
Icelandic	(D)	(D)	(B)	--
Greek	713	304	64	55
Russian	1,835	568	522	245
Polish	604	223	184	159
Serbo-Croatian languages	1,081	366	544	215
Serbocroatian	615	272	355	180
Croatian	225	245	70	76
Serbian	240	135	120	101
Other Slavic languages	720	276	242	168
Ukrainian	260	201	105	127



IMMIGRATION STATUS

IMMIGRATION STATUS

- HUD has identified ESG assistance as a "federal public benefit" program:
- However, HUD has identified the following activities that are not subject to immigration-based restrictions status, with some exceptions listed on next slide:
 - Street Outreach Services
 - Emergency Shelter
 - Rapid Re-Housing
- <https://www.hudexchange.info/resources/documents/PRWORA-Fact-Sheet.pdf>

IMMIGRATION STATUS AND PROJECT-BASED HOUSING

- For Rapid Re-Housing, ESG Subrecipient that are Units of General Local Government (e.g. cities, counties, etc.):
 - **Are required to verify** an applicant's status as a citizen or qualified alien of the applicant before providing assistance IF:
 - Providing Rapid Re-housing where the Subrecipient is moving the Program Participant into housing the Unit of General Local Government *owns*.

IMMIGRATION STATUS AND HOMELESSNESS PREVENTION: NONPROFITS

- For Homelessness Prevention, ESG Subrecipients that are private non profits:
 - **May choose to not verify status;**
 - May choose to verify status, but **must do so in a non-discriminatory fashion;**
 - May not charge verification of citizen or qualified alien as an ESG eligible cost pursuant to 2 CFR §200.403(a).

IMMIGRATION STATUS AND HOMELESSNESS PREVENTION: LOCAL GOVERNMENTS

- For Homelessness Prevention, ESG Subrecipients that are Units of General Local Government (e.g., cities, counties):
 - **Are required to verify** an applicant's status as a citizen or qualified alien if taking applications for assistance directly
 - May charge for verification of citizen or qualified alien status if taking ESG applications directly, pursuant to 2 §CFR 200.403(a).

VIOLENCE AGAINST WOMEN ACT (VAWA)

VIOLENCE AGAINST WOMEN ACT

Three documents (2 required)

- HUD Form 5380 - VAWA Notice of Occupancy Rights (*required*)
 - Notice explains Program Participants rights under VAWA
- HUD Form 5382 - VAWA Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (*required*)
 - To be filled out if an individual is seeking VAWA protections from a covered housing provider.
- VAWA Notification Certification (*Subrecipient may create their own version*)
- VAWA protections are a change or exception to standard policies and procedures to accommodate a household that is otherwise eligible for the program and has experienced domestic violence, dating violence, sexual assault, or stalking.

VIOLENCE AGAINST WOMEN ACT (VAWA) (CON'T)

- If a household otherwise qualifies for assistance under the covered program, they cannot be denied admission or denied assistance because of criteria resulting from them being a victim of experienced domestic violence, dating violence, sexual assault, or stalking.
- If a household is receiving assistance under the covered program, they may not be denied assistance, terminated from participation, or be evicted from the rental housing due to their experience of domestic violence, dating violence, sexual assault, or stalking.
- If a member of the household or an affiliated individual of the household is or has experienced domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, they may not be denied rental assistance or occupancy rights under ESG solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking
- If an ESG Subrecipient has adopted written standards to prioritize rental assistance for applicants with good rental history (such as no history of evictions), a household could request an exception to written standards if the history of evictions is related to violence, as documented on HUD form 5382.

FAIR HOUSING DOCUMENTATION

FAIR HOUSING DOCUMENTATION

Program Wide

- Written policies and procedures evaluating and targeting of services for all persons seeking assistance
- Copy of grievance procedures

Americans with Disabilities Act (ADA) and 504

- Written procedures to ensure accessible routes and minimizing protruding objects
- A plan for 504 compliance is recommended, but not required by law

Limited English Proficiency

- Language Assistance Plan identifying voluntary or contracted services for assistance

FAIR HOUSING DOCUMENTATION (CON'T)

Reasonable Accommodations

- Written policies, practices, procedures to accommodate persons with disabilities
- Documented referrals to other locations with reasonable accommodations

Affirmative Outreach

- Policies and procedures to ensure all protected classes are made aware of potential assistance, services, and facilities
- Marketing and outreach documentation available in different languages

FAIR HOUSING COMPLAINTS

Fair Housing Complaints

- If you have a complaint filed against you:
 - You will be notified of the allegations
 - You likely will be invited to mediate
 - If you decide not to mediate, you may file an answer that is,
 - In writing
 - Under penalty of perjury
 - May be amended at any time

<https://www.twc.texas.gov/partners/civil-rights-discrimination>



How to file a Fair Housing Complaint

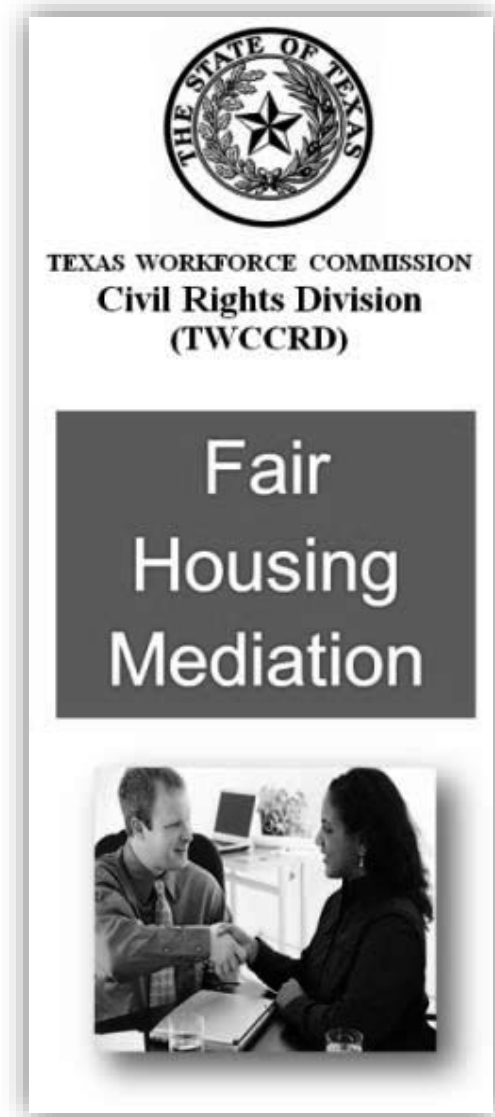
- To file a fair housing complaint, you must include the following information in your correspondence:
 - Your name and address
 - The name and address of the person your complaint is against (the Respondent)
 - The address or other identification of the housing involved
 - A short description of the alleged violation (the event that caused you to believe your rights were violated)
 - The date(s) of the alleged violation
- Send your complaint to the Texas Workforce Commission by:
 - Email: HousingComplaint@twc.state.tx.us
 - Fax: 512-463-2643
 - Mail - Texas Workforce Commission

Civil Rights Division
1117 Trinity Street, Room 144-T
Austin, Texas 78701



Mediation

- Free service offered from the time of the complainant filing until resolved
- Eliminates lengthy investigations and expensive litigation
- Speedy resolution of complaints
- Saves time and money
- Opens lines of communication between disputing parties
- Allows each party to understand the position of an opposing party
- The agreement is binding on both the Complainant and the Respondent



TDHCA Complaint Process



- There are 3 ways to file a complaint within the TDHCA complaint process:
 - 1. Submit a written complaint online on this website:
https://public.tdhca.state.tx.us/pub/t_complaint.complaint_add1
 - 2. Mail your complaint to this address: **PO Box 13941, Austin, TX 78711-3941**
 - 3. Fax your complaint to this number: **512-475-0070**
- The Complaint Submission System is to be used only for complaints dealing with TDHCA programs and funded properties
- Once a complaint is filed, you will receive a notice from TDHCA with 15 business days indicating the complaint has been resolved, or that it will be resolved by a certain date.



REVIEW

QUIZ 1

Language Access Plans must address needs of Spanish speakers and no other languages.

- A. True
- B. False

QUIZ 1

ANSWER

Language Access Plans should address language needs by all persons with Limited English Proficiency.

False.

Spanish is a required language by the Department on ESG Language Access Plans. Other languages may be identified by Applicant based on beneficiaries with Limited English Proficiency

QUIZ 2

An ESG-funded shelter can deny services to a mother and her 17 year old son because they only serve women with smaller children.

- A. True
- B. False

QUIZ 2

ANSWER

An ESG-funded shelter can deny services to a mother and her 17 year old son because they only serve women with smaller children.

False

If a shelter does not have appropriate privacy facilities they may serve the woman and older son through an alternative method like a hotel. Shelters concerned about other forms of risk should be aware that risks to health and safety must be real and not stereotypes or perceived risks.

QUIZ 3

An ESG Administrator denies a household for rental assistance. The administrator does not need to provide the household with VAWA notifications (HUD form 5380 and HUD form 5382).

- A. True
- B. False

QUIZ 3 ANSWER

The HUD VAWA forms should be provided to all applicants for short- and medium-term rental assistance at the time of admittance or denial.

False

The household has certain rights available under VAWA whether they are admitted or denied assistance. In addition, the VAWA protections available may make the household eligible for assistance.

QUIZ 4

An ESG-funded shelter can deny services to a person with a disability who is using illegal drugs at the time of seeking assistance.

- A. True
- B. False

QUIZ 4 ANSWER

An ESG-funded shelter can deny services to a person with a disability who is using illegal drugs at the time of seeking assistance.

True.

Fair Housing and other Civil Rights laws do not protect persons who are currently using illegal drugs. It is, however, generally accepted that participation in a formal drug rehab program and abstinence from drug use means that an individual is no longer a “current user”, even if the last incidence of use was only weeks in the past.

Providers using specific time frames for clean and sober status should be aware that discrimination could result from unreasonable clean and sober timelines and criteria.

QUIZ 5

An ESG-funded shelter may screen clients using arrest records.

- A. True
- B. False

QUIZ 5 ANSWER

An ESG-funded shelter may screen clients using arrest records.

False.

Arrest records do not constitute proof of past unlawful conduct. An arrest shows that someone suspected the person of an offense and the person was apprehended. An arrest record alone does not indicate whether the individual was prosecuted, convicted, or acquitted.

Criminal histories may be included in screening criteria provided that they are applied consistently and lawfully. Criteria must be provided in writing as required by recordkeeping mandates.

Training & Technical Assistance

-
-
- Fair.Housing@tdhca.state.tx.us
- FHEOI@tdhca.state.tx.us



