

Fair Housing 2021: What Counselors Need to Know
Fair Housing in Disaster Recovery and Closing and Final Q&A
Wednesday, November 17, 2021

Olivia Healey: Good afternoon. Welcome to our Fair Housing and Disaster Recovery Session, which is one of the last sessions of our conference. Directly following this presentation we will go into our closing and final Q&A. My name is Olivia Healey and I'm a community development analyst with ICF, supporting HUD in the development of tools, resources, and trainings for housing counseling agencies.

As housing counselors, you are positioned to support your clients before, during, and after a disaster. The deliverables and trainings that we provide are customized in response to conversations with housing counselors like yourself, to equip you with the resources, partnerships, and the specific direction to impact your community. We have a great session prepared today that will run through detailed examples and help you visualize and understand your role in supporting fair housing through the recovery process.

To start off with, some logistics. You've been joined in a listen-only mode. You will submit any technical questions to the chat box located at the bottom of your screen, and any content related questions through the Zoom Q&A box which is also located at the bottom of your screen. As we've utilized throughout our entire conference, we will be using the polling software Mentimeter to get a gauge of the type of audience that is on the line with us today, so we make sure we are positioned to customize our presentation to you guys. In the chat box you can find the Menti link or access it using the code and the website on the top of the screen.

So as I mentioned, this first question is just to kind of gauge our audience. So are you currently delivering housing counseling in a disaster area? So the majority of you are saying, no, but want to be prepared, and that's half the reason we put on a conference like this, so you're educated and equipped down the road. But for all of those who are currently, hope to give you some more tools and resources today as well.

During our session today, we will cover a multitude of topics that were discussed throughout this conference, but really contextualizing it for the disaster recovery space. You will come up away from this session with real life examples and also knowing the partnerships, and the tools and resources that you can use after refreshing and learning the content.

With that said, it's my pleasure to introduce us to our speaker today. Tzeitel is the deputy director from Region II in HUD's Office of Fair Housing and Equal Opportunity. And Tzeitel, I will give the floor to you to run us through our content today.

Tzeitel Andino-Caballero: Thank you for the introduction, Olivia. And special thanks to everyone in the audience for joining us today despite the demands of your busy schedules. As Olivia mentioned, my name is Tzeitel Andino-Caballero. And I work as a deputy director for the Region II Office of Fair Housing and Equal Opportunity.

But by way of background, a little bit of my personal story as to who I am. I lived in Puerto Rico for 37 years of my life. I experienced my first disaster as an eight-year-old in 1989 with Hurricane Hugo. Since then my childhood memories are chock full of disasters, such as Hurricanes Marilyn, Georges, and Hortense, all which nonetheless pale in comparison to the havoc brought by the two back-to-back 2017 hurricanes of Irma and Maria.

I say this to emphasize that I understand and know firsthand the suffering brought by disasters. Disasters not only destroy homes, community identities, and people's way of life, but they will also stress test and greatly strain, sometimes even destroying relationships with family members and friends. In the wake of a disaster therefore, it's when people are in their most precarious states, both physically as well as emotionally. And this is when housing counselors become essential responders. Next slide please.

Housing counselor services are extremely varied, as you all know. So I really struggled with trying to distill the different wide ranging services provided by housing counselors for this presentation. Housing counseling can range from rental to homeless counseling, to budgeting and homeowner education, from home improvement and rehab to mortgage delinquency resolution. Some housing counselors also provide fair housing education and outreach, and other types of services because they also happen to be recipients of FHIP funding from my office.

Therefore while performing all these activities, housing counselors inevitably gain unique insights into the assistance programs and different types of aid, which may be provided by private, government, and nonprofit entities, at any given jurisdiction. At the end of the day however, all housing counselors have one thing in common. And that is the knowledge, resources, and more importantly the wherewithal to help fair housing protected disaster survivors effectively navigate emergency response, as well as subsequent disaster recovery programs which may be later on established in their respective disaster jurisdictions.

In helping fair housing-protected persons navigate emergency response and assert their civil rights during disaster recovery, counselors can therefore play a vital role in helping remedy past disparities by preventing inequalities from increasing the aftermath of a disaster. With this presentation it is my hope to empower you all as housing counselors with an arsenal of easy to implement best practices and practical tips.

And the first tip I wish to share with everyone today is that fair housing and federal non-discrimination requirements are un-waivable, even in the midst of a disaster. This is why for example disaster supplemental appropriations contain specific language exempting fair housing and non-discrimination from any type of HUD waiver. But what do we mean when we say fair housing and non-discrimination? That's a short way to describe a myriad of civil rights which are enforced by my office.

And this is basically a listing of the civil rights and statutes that we routinely work with. I will not bore you all by reading this entire slide. Suffice it to say that the statutes within our enforcement authority such as the Fair Housing Act, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act, are ultimately all about one thing. And it's about protecting legally defined groups from any type of discrimination.

Under these different laws, different groups are protected from discrimination. And these are groups showing characteristics because of race, color, national origin, religion, sex, which as was mentioned during the presentation before mine does include sexual orientation as well as gender identity, familial status, age, as well as disability.

And I want to emphasize or make a point of clarification. All these groups are protected from discrimination before a disaster. It just so happens however that protecting them from discrimination becomes increasingly important during and especially after a disaster. Even if non-discrimination is un-waivable, many times housing providers and other entities will actually claim fair housing is temporarily on hold or unachievable precisely because of the onslaught of a disaster. And this is when shielding these groups from increasing their preexisting vulnerabilities has to become the number one priority for housing counselors in the field.

And so I wish to arm you all counselors out there with the best possible defense when facing non-discrimination opposition points. Just say that civil rights are un-waivable, period. Fair housing can never be compromised no matter the magnitude of a disaster. Civil rights simply cannot be jeopardized.

Part of today's discussion will include a brief overview of Title VI prohibitions against race, color, and national origin discrimination. And under this last classification of national origin, we will also briefly cover the protections from language discrimination. Today's presentation will also include a discussion of disability discrimination and some of the issues which become more prevalent in disaster conditions.

So let's begin with an example of some of the fair housing issues that may potentially arise during post-disaster recovery activities. And this example is from New Jersey. My current hometown is in New Jersey. And after Superstorm Sandy in 2013, complaints were filed with my office, the Office of Fair Housing and Equal Opportunity, alleging that DR funded activities in New Jersey were disproportionately denying disaster recovery assistance to African American and Hispanics.

Allegations included insufficient outreach in our affirmative marketing to Title VI protected communities which were therefore resulting in lower participation rates in DR funded activities. The complaints were amicably settled through an agreement. We refer to the agreement as a voluntary compliance agreement. And the agreement was executed before HUD could issue any formal findings on the merits. The agreement however managed to provide system wide prospective relief such as requiring the reevaluation of denied applications, and increasing outreach to Title VI communities and individuals. These are the types of remedies that FHEO can usually negotiate whenever discrimination complaints are filed in the context of disaster recovery.

Let's next discuss how you as a housing counselor can help clients ensure that clients are provided with meaningful language access. First be reminded that any entity that receives federal funding must provide meaningful language access to any type of linguistic minority. Depending on a jurisdiction's predominant language and majority population, these might be LEP persons, limited English proficient persons, or in some contexts LSP individuals, or limited Spanish proficient persons. Let's consider an example of these issues.

In 2007 wildfires devastated California. There were reports of discrimination against Latinx residents. For instance, at sheltering sites proof of identity and residence was being requested

from Latinx evacuees. Although the wildfire distressed areas included large LEP populations, reports indicated that vital information regarding evacuation was being disseminated only in English, was also not being distributed in areas populated by migrant farm workers, and interpreters were in general unavailable.

If such reports were true, then it would have meant that national origin protected groups were being adversely impacted in emergency response by denying linguistically accessible vital information. And so therefore as housing counselors, it's very important to be on the lookout for issues such as these. As counselor you can also help jurisdictions avoid LEP discriminations through actions such as ensuring before as well as after a disaster, that emergency response information is translated in plain and simple to understand terms, to languages other than the majority language in a particular jurisdiction.

There was a training session yesterday which discussed these matters more in depth. But I will point out that a four factor analysis helps identify which specific languages should be serviced in any given jurisdiction. I also cannot underscore enough the importance of using plain and simple to understand language. This helps ensure not only that individuals with varying literacy levels can understand disseminated information, but will also assist persons with cognitive and other types of mental disabilities to understand the emergency information that's being distributed. Ensuring that access to emergency services such as evacuations, shelters, and other emergency response actions, should not be conditioned on verification of lawful immigration status. Ultimately no one should fall through the cracks because of artificially erected language barriers.

In addition to ensuring that jurisdictions are complying with LEP obligations, housing counselor must themselves ensure that their own services are linguistically accessible. A non-exhaustive listing of LEP considerations for housing counselors is being provided in this slide. And these are just some of the tips and examples of what housing counselors should be on the lookout for. Additionally I would emphasize it's important to train clients before a disaster and of course afterwards as well, so that they can themselves understand how to identify language access issues, and furthermore how to report these issues to HUD through the filing of a complaint. Next slide please.

Now we will discuss race, color, and national origin issues in the post-disaster context. Bottom line, disaster preparedness response and mitigation must consider the greater pursuit of achieving recovery that is inclusionary of ethnically and racially protected persons. After all, historically communities of color and/or with high ethnic concentrations have unfortunately faced challenges in securing emergency assistance and recovery services, without being treated differently or without unequal impacts due to implicit bias or other conscious or unconscious factors.

Let's now discuss an example from Katrina. In 2005 after Hurricane Katrina made landfall in Louisiana, racial and ethnic protected groups faced discriminatory challenges when trying to access housing. For instance, advertisements with racially discriminatory language were reported to have been published by landlords.

Another Katrina example pertains to the intentional discriminatory actions by the St. Bernard Parish. In this specific instance, the St. Bernard Parish took actions such as trying to stop the

development of rental housing, establishing permit requirements which exempted renters related by blood from single family renters, and also to make changes to zoning rules to reduce the availability of rental housing. These actions were taken due to a belief that such dwellings would end up housing African Americans in the aftermath of Katrina. As a result of these actions the parish had to face a HUD investigation, a DOJ lawsuit, and several private lawsuits, all which alleged fair housing violations. Ultimately the parish had to pay more than \$5 million in damages and attorney fees to settle the different cases.

Some practical tips and ideas which housing counselors can implement directly with clients and what their jurisdictions follow. Group educational sessions are key. These are opportunities where clients can be apprised of discriminatory practices which might potentially arise. And it's an excellent preventive tactic as well. Additionally providing direct support and technical assistance to local governments to try and motivate them to develop rental housing in high economic opportunity areas. And even developing social media and other types of campaigns can be extremely helpful with debunking local NIMBY-ism misconceptions, not in my backyard type of misconceptions, while promoting YIMBY-ism, yes in my backyard. Those are some ideas of the ways in which housing counselors can help shape a fairer recovery in their disaster localities.

For an example of post-disaster YIMBY-ism, consider the following housing counseling advocacy ideas. Urge public housing authorities in your jurisdictions to develop energy independent public housing developments, by using for instance disaster recovery assistance to place solar panels on roofs and other underutilized areas within a particular project. And then such panels can additionally be used to power neighboring libraries, basketball courts, senior centers, and other nearby community amenities, for free at no cost to taxpayer monies. So this is an example hopefully of a yes -- a YIMBY-ism type of idea.

Some additional considerations may include also partnering with community leaders and groups, and leveraging all the locally available resources in order to maximize your impacts as housing counselors, when holding educational sessions with renters, persons at risk of homelessness, homeowners, and other client groups. Also consider a counterintuitive idea. Encourage racial and ethnic protected folks to apply to emergency recovery and other types of post-disaster assistance, even if you suspect that they will eventually be denied their applications for discriminatory reasons. After applying you can then counsel clients on filing a discrimination complaint with HUD.

Alternatively, please remember that state and local governments many times also have their own fair housing laws, which can provide even greater protections than those provided by the federal fair housing act counterpart. If a person for instance alleges having been denied emergency or recovery assistance simply because they were dishonorably discharged as a veteran, then pursuing a complaint under a local fair housing law that provides specific veteran status protections might be the best course of action. I would encourage however to not make these types of determinations on your own. I would exhort please immediately reach out to the FHEO office if you become aware of these types of situations, so that we can help identify what would be the best venue for remedying these types of issues.

Also please be on the lookout for caps or limitations in emergency recovery or mitigation program benefits, which may relate to homes in segregated communities of color or ethnicity, which have been historically undervalued. These are all so very complex matters which I would also once again exhort to please reach out to FHEO so we can provide the necessary specialized expertise on how to manage these particular issues.

And the final topic for today, which is probably the lengthiest pertains to disability protections, which apply before any disaster, but of course during and after a disaster as well. A more in depth training was provided also earlier today concerning disability civil rights. As a quick reminder though, there are three unique rights that persons with disabilities have and other protected groups do not. And these are the right to reasonable accommodations, reasonable modifications, and to accessible housing.

I will try to quickly illustrate some examples of reasonable accommodation temporary housing needs that persons with disabilities might have in the wake of a disaster. Some examples are for instance special dietary needs, refrigerator access for certain medications, noise control accommodations for persons with sound sensitivity conditions, private areas for personal care when temporarily placed in mass shelter situation, service animals such as dogs and miniature horses which require waiving no pet rules, and shelter admission exceptions in order to shelter persons with disabilities along with family or aides, are some of the many, many, many accommodation needs that will arise in the midst of a disaster.

And therefore some of the considerations which must be taken into account to help re-house a family with a disabled member might include for instance considering that persons with mobility disabilities need housing that is barrier free and structurally accessible. Now in normal circumstances the accessible housing stock is limited. So after a disaster it can be even more challenging to identify accessible housing.

If unable to identify accessible housing, then clients should be counseled on their rights to reasonable modifications. Consider also that homes serving disabled families should be accessible not only physically or structurally, but also too accessible to pharmacy, grocery shops, medical care, public transportation stops, and other supportive services, which might be needed depending on a person's specific disabilities. Persons with disabilities also need to be kept with their families and close to support networks that existed before a disaster.

And finally consider that institutionalized settings such as nursing homes can be too restrictive and inappropriate transitional housing for persons with disabilities who have been evacuated from independent living facilities. Reasonable accommodation needs will also impact post-disaster recovery benefits. For example, when trying to re-house a family with a disabled member, consider that payment exceptions in excess to any disaster recovery maximum award limit can be sought out as an accommodation.

And there are many other related accommodations which should be requested whenever these are deemed necessary to provide any type of structural accessibility or any other type of reasonable accommodation which would help serve a specific disability related need. This is

especially important, by the way, in the context of when homes are located in areas requiring elevation under revised flood plain maps.

If as a housing counselor you obtain a denial after having assisted a homeowner with disabilities in seeking reasonable accommodations, such as any of the ones that were listed in the slide here, then I urge you to seek guidance from the FHEO office. In the filing of a complaint, we can intervene and provide civil rights appropriate remedies as seen in some of the previously discussed cases.

I will discuss maximum practical tips which as housing counselor hopefully you all can implement. And the first tip, I think I've mentioned this before, but I want to emphasize once more, education is paramount. Educating clients as well as disability advocacy groups, emergency response entities, and housing providers, are all key for stopping preexisting discrimination from being perpetuated in the post-disaster recovery world.

Landlords can also prove to be important partners for placing persons with disabilities in accessible homes after a disaster. And so identifying landlords who have accessible rental housing before a disaster strikes can help expedite the adequate re-housing of families with disabilities in the aftermath of a disaster.

Additionally wherever HUD subsidized rental is provided, there might be some special accommodations that are already embedded into program regs. So I will briefly discuss some examples. This is a non-exhaustive listing. And I will start by discussing the higher payment standard accommodation which has already been incorporated into the Section 8 housing choice voucher program.

And basically the higher payment standard allows -- can be utilized for reasonable accommodation purposes for clients with disabilities. And it allows a PHA to pay -- a public housing authority to pay without HUD approval up to 120 percent above the fair market rent for purposes of accommodating a family with a disabling need. Now housing authorities can also exceed the 120 percent threshold if they submit a request to HUD and of course the request is approved by HUD. This is also something the office of FHEO can help assist with and facilitate in the wake of a disaster.

Then there is also the housing for older persons, or HOPA, as the acronym goes. And basically after a disaster, the assistant secretary for fair housing and equal opportunity will usually issue one year exemptions for HOPA housing. These will allow the admission of disaster evacuees at HOPA developments without jeopardizing the development's HOPA status. HOPA housing tends to be a good source of accessible housing and therefore is a great alternative for trying to identify accessible housing for persons with disabilities.

A tip, HOPA developments which also happen to be for instance low income housing tax credits or some other type of affordable housing, can be utilized after a disaster to temporarily house persons with FEMA vouchers and other rental benefits. And this is an alternative to placing people in hotels and other types of temporary lodging facilities, and can be especially useful once again for helping clients with disabilities.

So once the disaster displaced family is placed in HOPA housing, as a housing counselor you can then move on to supporting the family to find more permanent housing arrangements, which might include the Section 8 housing choice voucher program, public housing developments, 202 or 811 developments, and a myriad of other types of affordable housing. Equally important is to become familiarized immediately after any disaster with what are the types of assistance being made available by FEMA as well as HUD. Please understand that these are not always the same and will have some variations depending on the type of disaster, the distressed locality, and other factors.

In this slide there are some examples of some of the assistance that can be activated by FEMA and HUD, but again this will vary depending on the disaster and the jurisdiction. And what follows next is a non-exhaustive listing of some of the types of assistance which may be activated following a disaster in any given jurisdiction.

A practical tip after any disaster, periodically reach out to your local HUD office and inquire about vacancies in HUD subsidized housing. Local HUD office will develop and periodically [inaudible] vacancy inventories in the aftermath of a disaster. And this information can prove useful when trying to rapidly re-house persons of color, with disabilities, and other protected groups.

And something that has been mentioned sort of indirectly throughout the presentation, but I want to emphasize, is the importance of partnering up. In the PowerPoint presentation this is a link which provides a non-exhaustive listing of potential partners for housing counselors. Please don't work in a vacuum. I would encourage you all to partner up. Housing counselors might be essential responders after a disaster. But please know that does not mean you are alone. The PowerPoint, as everyone can see, includes a link of potential partners. But in case anyone forgets to check out that link, at least know that FHEO is housing counselor's number one ally in the pursuit of equality during post-disaster times.

And very quickly, I will not go into the details of how to file a complaint, but please know that if you suspect that your client has faced or might be facing discrimination, then please reach out to HUD. Complaints can be filed through various ways and alternatives. We offer online, regular mail, email. And I didn't include it in the PowerPoint, but we even offer fax filing options. I know fax sounds very 1990s and pre-Y2K, but just know that we pride ourselves in being available to the public through varied means, with the sole interest of serving and protecting as many discrimination victims as we possibly can.

This is a listing of some resources which I would encourage everyone to later on check out and use on a need basis whenever located in a disaster jurisdiction. Also feel free to reach out to your regional HUD office for further housing guidance and/or instructions on how to file a complaint. Hyperlinks are being provided in the PowerPoint slides as well, so by just clicking on any of the regions covering your jurisdiction, you will be able to obtain the contact information for your specific local or regional HUD office.

Prior to opening the Q&A session, let me say, from Hurricanes Harvey, Irma, and Maria in 2017, to the volcanic eruptions in Hawaii, and this year's recent wildfires, we are unfortunately in the midst of various ongoing disasters, which at the same time overlap with recent past disasters. Therefore through housing counseling actions, pre-disaster inequalities can be attenuated with strategic interventions during emergency response, recovery, and mitigation. I thank you all for the important role that you play and will continue to play in effecting for housing change before, during, and after a disaster strikes.

Olivia Healey: Thanks, Tzeitel. Kind of building off of -- and I apologize for the glitch there -- I have prepared to show you guys where you can access online the partnership document that Tzeitel has mentioned, that outlines all of the different local, federal, and state partners that you guys can find, as long as networks. And just so you are completely equipped to find this information, on the housing counseling page on the HUD Exchange, you can access the disaster recovery resources. So we have disaster news and resources, and then the disaster recovery toolkit, and then disaster webinars and trainings.

A lot of the next steps are the roles that exemplify and show how you can play your role. You can also see that in more detail by viewing past trainings such as a group education session or the how to support housing clients post-disaster. The disaster recovery toolkit is one of those examples that I mentioned in my introduction of a tool that's been customized to directly support you as housing counselors. We've communicated and found out what was missing and what the gaps were in being able to provide these services to your clients. And that's what's been prepared for you in this toolkit.

So you have an option to find resources for preparing for and operating post-disaster. And both toolkits are full of resources, and guides, and templates, and tools for you to use. As Tzeitel mentioned, all of the resources that she had linked and the direct links to contact individuals is located on the presentation that has been uploaded to the HUD Exchange. So you have access to that information right now, and just view that slide deck online.

We have one last Mentimeter question that we wanted to ask you guys before transitioning into Q&A. And this is tying back to what you're doing at your agency to ensure equity. A lot of this presentation is how we can support equity for our clients as they are responding to a disaster, where Tzeitel mentioned even more beforehand. And we have the opportunity to further make sure that that happens in the extreme circumstances as a disaster.

So a lot of education and outreach material, training your staff. Attending this conference is a really incredible first step for you guys to get that information. And expecially [sic] since in the beginning, most individuals mentioned that they're here to learn the resources and the training opportunities, and build their knowledge to then support a disaster down the road, definitely are doing the needed steps to prepare you guys for success.

So at this point I'm going to invite my colleague Shawna on to the line to help us go through our Q&A. And if you haven't had an opportunity to submit a question, please feel free to do that at this time.

Shawna LaRue Moraille: Thanks, Olivia. And yes, Mentimeter will still continue behind the scenes. We'd really like to know what you've done to your procedures. So the first question is, is COVID considered a disaster?

Tzeitel Andino-Caballero: Not in the sense of disaster recovery. Disaster recovery are basically special Congressional allocations that are made in the immediate aftermath of a natural disaster. That's usually somehow weather related. So seen from that perspective and the special CDBG DR funds that's usually activated after a natural disaster, then COVID would not qualify.

Having said that, Congress has issued special appropriations under different HUD funded programs, for instance under CDBG-CV, for purposes of addressing special COVID related needs. Basically my presentation is more geared towards natural disasters and not necessarily the health crisis brought upon by COVID. But certainly there might be certain overlaps between part of today's discussions and COVID related matters.

Shawna LaRue Moraille: Okay. Thank you. And a piggyback, since you said health, somebody had asked earlier about accommodations and they have a 60-unit building that was condemned and folks were displaced. So could an accommodation be made to a 55-plus community if some of the displaced tenants are disabled?

Tzeitel Andino-Caballero: Yeah. The HOPA exemptions are very special waiver that are issued by the assistant secretary of FHEO in the aftermath of a presidential disaster declaration, basically. Absent a presidential declaration, then the HOPA waiver will not be activated. Having said that, I wish to stress and emphasize that everyone, whether they live in public or private housing, any person with any type of disabilities will require reasonable accommodations that meet their special disabling needs.

So in the specific example of a building having been condemned, it would basically require doing a special individualized assessment of what would be the reasonable accommodations that would most directly meet those disabling needs. If there is a specific situation that this housing counselor is currently trying to navigate, I would exhort them to reach out to our office. We can maybe do a more in depth analysis that is more fact specific in order to provide very concrete guidance as to possible reasonable accommodations.

Shawna LaRue Moraille: Thank you. That was really helpful. Okay. So this question is related to mudslides and fires. And there was like price gouging going on for rents. There were complaints that were filed. And it sounds like from their perspective they know or they think that nothing has been done. So what kind of advice would you give to them?

Tzeitel Andino-Caballero: Wow. Well, I don't know what specifically the complaints asserted. But I will say at HUD we have intake specialists that will help persons interested in filing a complaint perfect their allegations. Many times during intake we will observe that maybe discrimination could have potentially happened, but the complainant person is not making a tie in to their protected class. And I think that's the big struggle that a lot of claimants face.

So once again, I would just encourage seeking HUD assistance to ensure that if discrimination did happen, that the complaint does assert what is the connection, the nexus, the relationship with the protected characteristic. And equally, if not more important, that also to a specific act that is covered by any of our civil rights statutes including the Fair Housing Act, is specifically alleged and asserted.

So for instance, if price gouging was connected to racially motivated steering, using those types of words in connection to the description of the allegations of discrimination will be key so that intake specialists can understand that the complaint is in fact jurisdictional.

Shawna LaRue Moraille: Okay. Thank you. This is one from earlier. And I know you covered it in your presentation, but I think it's worth repeating. Can language be considered a national origin discrimination, denying services due to the inability to communicate?

Tzeitel Andino-Caballero: Absolutely. That classification of national origin does include and protect against language discrimination. Both are intimately interrelated. So yes, language discrimination is essentially nothing more than a type of national origin discrimination.

Shawna LaRue Moraille: Okay. Great. Thank you. Looking through a few other ones. Okay. I'll just comment on this one. Somebody had mentioned earlier about just insurance costs and things like that have changed, particularly after Katrina and others, like deductibles have increased. They're a housing counselor of course and they're concerned about this. So I recommended to them to chat with David and DeAndra about what might be going on in FHEO. But I didn't know if you had any intel, Tzeitel, on insurance or that as an issue that folks are taking on in FHEO.

Tzeitel Andino-Caballero: Anything connected to housing, whether it be municipal services provided in connection to housing, or homeowner's insurance or floor insurance provided in connection to housing. Anything that pertains housings will be covered under the Fair Housing Act. As it pertains to the specific insurance question, what I would ask is if there is a protected class or a group of protected individuals that are being impacted through these insurance practices.

So for instance, if it just so happens that a disaster is being utilized as a pretext to increased insurance costs, but those increased insurance costs are targeting communities of color or communities protected because of another protected characteristic, then that could potentially be

illegal. Once again, the important thing to analyze is what is the nexus with a protected characteristic under a particular housing practice that might be suspected to be discriminatory.

Shawna LaRue Moraille: Okay. That was really insightful. Thank you. Looking through a couple other -- and I'm trying to -- there's a follow up on the rents. But I think that we will maybe take that one over to Whova specifically about what's going on in New York. Okay. I really -- unless somebody else has like typed in a question, I think we're all caught up. We probably have the ability to answer maybe one or two more questions if you would like to type them in. That would be really helpful.

While we wait here, can we see Mentimeter again, Olivia? Hopefully we can share some of the results that folks have been providing in terms of edits they've made to their SOP. Originally it was standard operating procedures. We changed it [inaudible].

Olivia Healey: No worries. We -- mainly everyone is just talking about making sure that they're educating and training, and staying up to date with resources. And as I mentioned, using Tzeitel's presentation and the resources that she's outlined, in addition to our toolkit that exists, you should feel very equipped and able to provide all the disaster recovery education to your clients. And as you mentioned, we can continue any outstanding questions on Whova.

It brings us to the end of our current presentation. And Tzeitel, I want to thank you so much for all of the insight and guidance that you provided to our housing counselors. It was really informative, and very descriptive, and able to visualize our role and next steps. So thank you for your time.

We are going to pause for the next 10 minutes to allow anybody who is just joining us for our closing session. And then we'll start promptly at 4 p.m., and we will have both the deputy assistant secretaries for the Office of Fair Housing and Equal Opportunity, and the Office of Housing Counseling on the line to answer any outstanding questions that you guys have had during our conference. So thank you so much for attending this session. And you can just stay on this Zoom link because we will be right back here in nine minutes to start our session. Thank you.

Olivia Healey: And I'll introduce my colleague, Shawna, to step on the line. Hi, Shawna. And be sending us off into our closing session. And thank you all for being here in attendance.

Shawna LaRue Moraille: Thank you so much, Olivia. And welcome back to the last session of Fair Housing 2021, What Counselors Need to Know. Again, I'm Shawna LaRue Moraille. And we are so happy to be with these two amazing offices this week of housing counseling as well as fair housing and equal opportunity. Hopefully you guys have been with us the full two days. We've covered a lot of ground and received a lot of great training. We've been able to ask and answer a lot of questions from these amazing FHEO trainers. So we are about ready to roll into this closing session for today.

We have about 45 minutes. And at this point if we want to just revisit Zoom for a second. If you need to chat with us because you need anything technical related to the Zoom platform, please

chat with us in the chat box. If you have any content related questions, we may have a little bit of time, in the Q&A box, or those of us will be standing by will be able to answer some questions if you want to put them there.

And then today, if you can go on to the next slide, we just have a very short agenda here. Both deputy assistant secretaries have been able to pull together some of the most pressing questions you folks have raised this week, a few things they wanted to underscore. So we will do that first. And then there'll be some final remarks from both of them in the conference wrap up. And then we also have Mentimeter at the very end to grab your feedback about the technology that was used, as well as the overall conference for two days. And we really do want your feedback. So please hang on for that as well.

And Olivia and I again are going to be behind the scenes. But at this point I would love to welcome both DeAndra Cullen and David Berenbaum, deputy assistant secretaries for these two offices. And they are going to be talking through and talking to each other about, again, your most pressing questions this week. So David and DeAndra, I'm going to go ahead and turn it over to you to get us started in that regard. Thank you all so much.

DeAndra Cullen: Awesome. Thank you so much, Shawna. So David, if you don't mind, I think we're going to have a back and forth. Are you open to that?

David Berenbaum: I'm ready. I have my cup of coffee. I'm good to go. Let's get started.

DeAndra Cullen: Okay. So I'll start with the first question. Is there going to be a better way to get information to the counselors in a faster manner as new initiatives are approved?

David Berenbaum: Well, you know, I'm glad that this became a theme on some of the boards and meet ups on Whova. Actually I want to start with Whova because it is a new initiative, an experiment on our part, that we started during our first annual conference a number of months ago, and now continue in partnership with FHEO. And I really hope that all of the conference participants have appreciated the ability to connect with our teams, with each other, to network and partner. It's been a really robust conversation on the boards. And I think as well, I think that some of the meet ups that have been occurring on a regional or other level, have been fun to watch. I mean some of them have been lighter than others, but they're all extremely positive.

On a more serious note, I think there are any number of initiatives that we are doing, as well as I believe FHEO is doing, to really connect with our housing counselors, our partners in the community. First of course we have been sponsoring numerous conferences and briefings, a much higher number than in the past. Unfortunately because of the challenges that we have been facing in the nation, whether it's the pandemic, whether it's issues dealing with natural disasters, some of the emerging consumer protection, fair housing, as well as housing finance and tenancy related issues such as eviction and foreclosure. We have been really increasing how we do webinars, how we get information out to the public. And the response has been very, very good.

I'm also kind of proud of the fact that the HUD Exchange, which is a complementary aspect on the HUD website, the HUD Exchange has really become a wonderful source of information for

all HUD programs. And we have a lot of pride in the Office of Housing Counseling that in fact the OHC program space is one of the most visited program sites on HUD Exchange. And that's because we're keeping it really up to date with tremendous resource materials, not only from HUD, but also Treasury, CFPB, FHFA, and a host of others including FHA. It's a great way to disseminate information. And frankly, if some of our participants have not regularly visited, I really urge you to take a look at it. Even all our training is there, including in a few days this conference will be available to view on the HUD Exchange.

Now also have, and I know FHEO has as well, a way that we do e-updates through the email programs that we operate. We do frequent press releases. We announce trainings. There's programmatic news. Funding opportunity as well across HUD in areas that we believe our community would be interested, whether it be the fair housing initiatives program or a host of others, our own counseling initiatives. We're very excited about how we're being innovative at the Office of Housing Counseling. And I know many of you have submitted grant applications. Thank you. We're particularly proud of what we're going to be doing with the HBCUs and minority serving institutions. So stay tuned. We're really in the midst of review right now.

Now if you'd like to subscribe to whether it's the Office of Housing Counseling or the FHEO links for these listservs, they're going to be posted right now in the chat box. So please feel free to step away for a moment and subscribe. We also have our bridge newsletter. I think everyone's familiar with that. We're actually open to your suggestions now because we're looking to rethink the bridge. Should we make it more of an e-news letter with more links. Should we do it more frequently, maybe monthly. Should we cover different issues. Let us know. But it's a well-read resource that's out there. And it's part of our history in the Office of Housing Counseling. There's a lot there.

So the other aspect I think is really, really important, and I always say that, is follow us on social media platforms. We have been doing a lot more at HUD and at the Office of Housing Counseling, I believe FHEO as well, using for example LinkedIn, using Twitter, and using other feeds such as Facebook as well. And frankly I have my own personal page. I often celebrate the works of HUD in good articles. I invite people to follow us and also share the information socially on your own networks. It's a great way of staying in touch.

And last, I'll conclude with I think something that won't surprise anyone. I know working in a virtual environment is challenging. You can't just quite as easily get on the phone and speak to someone. But you can get on Teams or Zoom like we're all doing. And I urge you to reach out and speak to the talented Office of Housing Counseling, or as you've heard FHEO staff, on issues, matters of concern. The point of contact for our office are ready to engage with you. We want to support you with any fair housing related questions or of course traditional housing counseling questions as well. So I'm out of breath. Hopefully I covered it.

DeAndra Cullen: That's a lot of great information there, David. I know that the housing counseling agencies are really paying attention.

David Berenbaum: So I have a question for you, DeAndra.

DeAndra Cullen: I'm ready.

David Berenbaum: There was a lot of discussion in particular around several protected class issues. And I think the presenters did a great job in addressing the questions. But I do want to circle back on one or two. In particular with regard, someone asked in one of the board, what about age? Well, age is a really interesting protected class issue. Because, I know you'll speak to this, it's not really covered under the federal law. But under state law in many situations it is.

But more significantly, you could be dealing with issues of elders in housing. It could be an issue with regard to, quote, a teenager. I mean I know from your experience you have seen fair housing issues manifest itself in so many ways around the issue of age. So I was hoping you could speak to that for a moment.

DeAndra Cullen: I'd be happy to. So you're absolutely correct. Age is not protected under the federal Fair Housing Act. There may be age based protections, as you mentioned, under state or local laws. The Fair Housing Act specifically exempts three types of housing for older persons from liability for familial status discrimination. Let me unpack that just a little bit so that everyone understands where I'm going with that.

Housing facilities or communities can lawfully refuse to sell or rent dwellings to families with minor children only if they qualify. So that's -- I want to make that clear. Only if they qualify for the exemption. To qualify for the housing for older persons exemption, a facility or community must comply with all the requirements of the exemption. The housing for older persons exemptions apply to the following housing. Provided under any state or federal program that the secretary of HUD has determined to be specifically designed and operated to assist elderly persons, as defined in the state or federal program. Intended for and solely occupied by persons 62 years of age or older. Or intended and operated for occupancy by persons 55 years of age or older.

So I hope that kind of clarifies that question. I hope that answers that question for you, David, and for the housing counseling agencies.

David Berenbaum: Absolutely. And I know there's a lot of information on this on FHEO's webpages as well. That's very helpful to clarify it. Mrs. Murphy, all right, now I know many of our group or in our audience have already heard about this. I remember years ago when I was active in my own fair housing organization, this was a very common issue. And Mrs. Murphy is essentially an issue where one individual is a resident in what may be a fourplex for example. And currently under the law, the definition or interpretation of the law, that individual is exempt.

However we learned that there are some times or characteristics that despite that, Mrs. Murphy, the owner or resident there, cannot discriminate under. And there were some requests for clarification regarding what an owner or a landlord in this situation can or cannot do. Can she say no to family with children? Or can she say I only want to rent to a white female? So basically if you could refresh all of us on what this Mrs. Murphy exemption is, and how it impacts on us, and how we can address it as a counseling community.

DeAndra Cullen: I would be happy to. Another great question to unpack though. The Fair Housing Act covers most of housing. In very limited circumstances the Act exempts owner occupied buildings with no more than four units. Single family houses sold or rented by the owner without the use of an agent, and housing operated by religious organizations and private clubs that limit occupancy to their members.

So what's referred to as Mrs. Murphy, as you mentioned, David, is that first one I stated, where there's a owner occupied building with no more than four units. However despite any exemptions, those fair housing requirements related to Section 804(c), the discriminatory statements provisions of the Fair Housing Act, which include advertising, are not exempt. 804(c) stipulates that you cannot make, print, or publish, discriminatory statements. Additionally, no one is exempt from the Civil Rights Act of 1866, which prohibits all racial discrimination in the sale or rental of property. So I hope that is clear in terms of the question on Mrs. Murphy and where the fair housing exemptions apply and when they don't apply.

David Berenbaum: Yes. Thank you. Particularly in areas that have affordable housing shortage, it's a theme that we see emerging very frequently [inaudible] areas. So I think it's an important area or issue for our counseling community to really address that. Absolutely.

DeAndra Cullen: Absolutely.

David Berenbaum: Thanks.

DeAndra Cullen: So I have a few questions for you, if you don't mind.

David Berenbaum: Okay.

DeAndra Cullen: David, I'd like for you to talk about the role a housing counselor would play if their client has experienced housing discrimination. So I'm about to put the housing discrimination back on you and see how you can help us kind of unpack that.

David Berenbaum: Yeah. First, I think that's a very important question for the housing counseling community. Many of the folks in the community know my background, which involves both housing counseling over my career and fair housing. And it's been my experience over the years that in the counseling community, often counselors are the first to become aware of housing discrimination issues as they emerge.

We could go back to the subprime lending crisis as it emerged during the financial crisis. And who was originally targeted, but also receiving services? It was predominantly African American, black, Latinx communities, as well as elders who were being victimized by that. So I've always found that our housing counselors were often the most informed. But I want to start from a slightly different place as well, they're also -- something I believe terribly important for any professional housing counselor, is that they're extremely empathetic. And they are very knowledgeable as professionals, now as HUD certified housing counselors, in a host of areas including fair housing.

And that's so critical so that they can inform their clients of their rights, and advocate for them to file a fair housing complaint with the Office of Fair Housing and Equal Opportunity as appropriate. I know there's been a lot of discussion, CFPB mentioned earlier, that a client can use an attorney to file a complaint. But the beauty of the entire process of working with the Office of Fair Housing and Equal Opportunity, is that Congress intended it to be a very consumer friendly process. We heard in the last session that there are actually staff on board to work with housing counselors as well as potential victims of housing discrimination, so they can file a complaint, and their rights can be protected and heard.

So that equal opportunity specialist who's assigned to investigate the complaint is critical because they'll coach the consumer and work with the counseling agency to package information that may help with an investigation. But they'll also in a sense ultimately if there is a finding of discrimination, in time the client will be represented by the federal government, either HUD or the department of justice in the education of their case.

Now not only can a housing counselor assist in the filing of the complaint, and let me say this is a critically important aspect of the work, because many consumers as we know in the counseling community are overwhelmed by legal documents, by processes, by just simply by dealing with government. And they're really looking to the counselor to be that trusted advisor. But significantly as I noted earlier can help them organize documentation for submission.

It's quite compelling, and DeAndra, I know you've seen these as well, how frequently landlords or mortgage companies put things in writing. For example, I was working once with a victim of a disability discrimination case. And a Gallaudet professor in Washington, DC, we actually saw on his application a note from the landlord, not only noting the disability after he was urged to look into a group home, but also noting this gentleman's race, which was black.

I can let you know the outcome of that case was that he had free rent for life at the apartment complex. A very effective lawyer handled that case on behalf of the Gallaudet University. But that's the importance of organizing a file, how counselors can work with fair housing experts, and in [inaudible] the client pursue their rights. So the issue of determining standard and other issues, of course that's more technical. And that's where partnering with FHEO is so, so important.

So there's another issue that bubbles up, particularly as we're working with families in the housing counseling space. And that is occupancy limits. Can a landlord limit the number of people who occupy a unit? And can they require that siblings of opposite gender live or reside in a separate bedroom? This is unfortunately despite this being settled I believe for quite a while, continues.

DeAndra Cullen: Yeah. The Fair Housing Act does not address occupancy limits. But these restrictions often impact families with children, as you can fully aware [??]. There is a generally acceptable standard of two persons per bedroom, which is outlined in the HUD's 1991 Keating memo. This memo outlines that HUD and the Department of Justice believe that an occupancy standard of two persons in a bedroom as a general rule is reasonable under the federal Fair Housing Act.

However, in evaluating any occupancy restrictions, HUD will consider multiple factors, including the size of the beds and the unit, configuration of the unit, age of the occupants, other physical limitations of the housing, and then also there's state and local laws. Regarding -- and you mentioned about siblings, so I want to unpack that -- regarding a landlord requiring siblings of opposite gender to have a separate bedroom, this is a decision that should be made by the family and not the landlord.

However in public housing, the family has a right to a unit of a larger bedroom size if the family desires their children of the opposite sex to not share a bedroom, although they may do so at the request of the family. So again, we don't necessarily address the limitations of occupancy, but we do consider several factors in determining whether there may be a fair housing issue.

David Berenbaum: Yeah. I think that that approach has been commonly accepted today by the larger management companies. And they're very knowledgeable of the issue. But it still emerges again with many particularly what I'll describe as smaller landlords or management companies. So I think it's great if our counseling community is aware of the Keating memo and how FHEO is using it.

DeAndra Cullen: Absolutely. Absolutely. So David, you mentioned earlier about the CFPB. So I'm going to ask this question for you. This is a question that the participants had for you. There was a lot of great information shared yesterday, as you know, by the representative from the CFPB, and also by my fair housing team. However, there is one question that was asked where housing counseling agencies may have different roles to play given their funding from HUD.

Here's the question I have. What if I am doing intake as part of a HUD grant, and I must look at all sources of income including child support, what happens when you are acting as a lender and also providing HUD grants? We combine grants with loans and are both a lender and a housing counseling agency. David, help us out here.

David Berenbaum: Yeah. I'm so glad that this question emerged after the session. As practitioners in the housing counseling space, and frankly also as someone who works as a colleague with all our agencies, there is no one type of housing counseling provider. And to some extent how I'm going to address this question, I would describe it as a grounded or common sense approach to the various types of agencies that we have. We have some agencies that all they do is housing counseling. We have other agencies that are also very involved with mortgage origination, they may be a CDFI for example, or they may be packaging loans with partner lenders under HUD's counseling and also CFPB's RESPA standard. So there are a host of different issues here.

So I want to be addressing this both from a counseling perspective, but also the federal Fair Housing Act would expect of our agencies, and what HUD would expect under each of our programs, as well as with a sensitive eye to RESPA as well. Because all of these issues in fact intersect. So starting with the role as a housing counseling agency, as I said, every counseling agency is different in how it approaches the issue. Many provide housing counseling services and work under multiple HUD grants such as the community development block grant program,

or HOME programs, or other programming. It could be even in ONAP and tribal communities, for example, where there are lending programs. Many of you also actively participate in down payment assistance programs or help package mortgage documentation.

So in this role, you would be counting income eligibility and you would also count child support under the Part 5 definition of income, or as required under various underwriting components, because it's critical to the counseling role. However, you would need to make sure that your counselors are using appropriate disclosure forms, that's critically important, and disclaimer language when advising and educating clients to their mortgage options. Now of course everyone in the field knows we look to see that you've suggested three viable options for each mortgage client you're working as well in the pre-purchase space.

So there are a lot of checks and balances here. And as a general rule I feel that in fact our agencies have been extremely compliant in this space, especially when we do our [inaudible]. And I know many of you feel they're overly extensive and burdensome. I respect your opinions. But they also document the professionalism of our offices and in fact the agencies you are all affiliated with. So thank you for that as well.

Now for those who are also a lender, you know, we were focused yesterday primarily on fair lending and what lenders do under the Fair Housing Act and the Equal Credit Opportunity Act. Now if you're doing -- if you're acting as both a lender and a counseling organization in your agency, you're going to have to abide by those rules. And you're also no doubt going to have firewalls in place at your organization to ensure that the requirements of the housing counseling grant program, to provide the lending options I noted, and also to avoid steering to a particular product or lender. So I think, as I've noted, we're more likely to see these type of more sophisticated programs in two different departments at an agency. So generally it is clean and not within a single housing counselor's purview.

Now I want to speak to the role of empowering our clients and consumers as well. That's so important in this space. Our role, we have this classic debate between counseling and coaching in our community. I'm a big believer in empowering through both modalities, counseling and coaching. And in that way we're ensuring that our clients are receiving not only disclosure forms or the appropriate servicers, regardless of the program service you're providing. But we're also allowing the opportunity for the client to ask their questions, get vital information, and ultimately advocate for themselves for what they're interested in as far as the appropriate mortgage product for their future household and where they would like to live, ideally in compliance with all of the laws of our nation.

Now I really want to emphasize again the importance of choice in this entire process, and objectivity, and being a trusted advisor. If you do all of that from a pragmatic and from just a rule of thumb approach, I think everyone's going to be fine. So forgive me for that run-on, but it is a very complex issue.

DeAndra Cullen: No, no. I think the audience appreciates that very comprehensive answer to the question.

David Berenbaum: As we move forward with having more loan programs and prepurchase programming that's focused on bridging the home ownership gap in our nation, these issues are going to take -- grow in importance. So it's good that we have clarity. Because I'm looking forward to see more frankly mortgage products coming out to reach populations that have been historically discriminated against or underserved in our nation. So these issues are terribly important, especially in light of priorities to address racial equity issues [inaudible]

DeAndra Cullen: Absolutely.

David Berenbaum: So I want to follow up on the limited English proficiency discussions that have come up. It was a great session. So I want to be very specific though for our housing counselors and the agencies that they're employed by. How prepared do they need to be if a client comes in needing language, translation service or assistance? What is the guidance that you can share with our agencies?

DeAndra Cullen: So what I'd like to say is, first, I want to begin by saying that any organization receiving HUD funding is required to comply with federal law. And that is to provide meaningful access to your services and to your programs, to persons with limited English proficiency. This is a federal mandate, so I really want to be clear on that. However, as discussed, there's a four factor analysis that's really important for the agency to complete and/or work with its local consolidated plan agency who may have already done this exercise and has identified who those LEP populations are in the community.

FHEO also has a language access plan, which I'm really excited about because we just issued it about a month ago. So it's hot off the presses. It's our HUD language access plan for 2021. So there's a lot of good information guidance in there. The link will be in the chat. So for those who want to get that plan, we will provide the link there.

That said, that fourth element of that four factor analysis is really looking at resources and how you can use resources to provide these services. There's also the housing counseling toolkit on LEP, which by the way I saw that from its inception. It is an outstanding toolkit. I recommend everyone get a copy of that toolkit. It is just phenomenal. Great work for the housing counseling agencies to put that out there. We use it as well. So I thank you for that. We will also drop that link in the chat as well. So you will have that to look at.

Some housing counseling agencies have abundant resources. There's no way to get around that. Others may be more limited in their resources, and as a result may need to conduct some referrals. So long as you're complying with the executive order 13166, I think you're fine in planning those referrals. Regardless of that, outreach to those least likely to apply to a housing counseling agency's program through its AFFH outreach strategy would help identify those beneficiaries, those LEP populations, as well as which local organizations may be helpful or useful if a referral is needed.

Again, we will put the information in the chat. HUD has a locator map that will provide information on agencies with multilingual housing counseling services. That link will be in the chat. David, I'm sure you probably have some things you want to add to that.

David Berenbaum: Yeah. And thank you. I'm delighted that you have found our handbook helpful. And it has had a very strong response in the housing counseling community as well. I want to double down on a commitment that I have shared previously with the housing counseling community, particularly in light of the conversations that I have been having, and frankly my leadership team in the Office of Housing Counseling as well. The Office of Housing Counseling is absolutely committed to building our organizational capacity, working with your agencies to provide culturally sensitive and linguistically appropriate counseling services.

We're working diligently in house to develop innovative approaches to this. Stay tuned on that front. It is part of our strategic plan. And we hope to continue the conversations with each of you in this space. The conversations to date with providers from a host of organizations that serve diverse market segments have been extraordinarily compelling, strong, and this commitment is very exciting. And it really extends well beyond the Office of Housing Counseling. It's reaching almost every office at HUD today, as part of the president's commitment with regard to directing every federal agency to look at racial equity issues.

But we've taken it to heart. And we're actually moving along very, very quickly. So we're open to your suggestions on this. I'll add for example that many providers have shared with us that it's frankly a higher cost, it's a longer length of time, it's a more involved process to reach consumers who are in these communities. So we're hearing you. We're listening to you. And we look forward to continue to discuss this with you as we move forward.

DeAndra Cullen: I can tell you, I'm delighted to hear that you all have a lot of planning that you're going to do to really serve these populations. We're delighted. And any way that we can help, we will be frontline center with you in partnering with you on serving these communities. So absolutely. I look forward to it.

David Berenbaum: Thank you. Thank you very much. So let's see. I know we had a lending question. I think I'm queued up to ask you this question, is that right?

DeAndra Cullen: I'm ready.

David Berenbaum: Okay. Thank you. I have to say to everyone who's been participating in the conference, there have been so many issues, it was very difficult to winnow them down to areas that we want to circle back and provide more information for you. But again, this is the beginning of discussions. This is not the conclusion of discussions. We hope that this -- earlier we heard the word nexus, obviously with regard to disaster situations of fair housing and related issues. Here's the nexus between FHEO and the Office of Housing Counseling. We both want to serve you and your organizations to empower you and make resources available to you.

So when a counselor suspects a client may be a victim of discriminatory lending practice, what are questions or processes that housing counseling agencies and HUD certified housing counselors can use to probe effectively in that space?

DeAndra Cullen: So the federal Fair Housing Act protects your fair lending rights. The Act makes it unlawful to discriminate in the sale, rental, or financing of homes, because of race, color, national origin, religion, sex, disability, or familial status. Whether you are purchasing or financing a home, lending discrimination can occur at any stage of the lending process. The size of lending discrimination may be blatant, as we've talked about, or they may be subtle. They can occur in the marketing of mortgage loan products, mortgage loan transactions, terms and conditions of the loan, in the appraisal of a home, and in loan servicing. It's a lot to say there.

In the marketing of mortgage loan products, please be aware of aggressive solicitations of adverse terms of credit to targeted minority neighborhoods, racial or ethnic groups, and communities. Or as we talked about yesterday and probably some today, racial steering to high cost lenders. In the mortgage loan transaction, be aware of requiring that women, but not men, provide a co-signer of a loan. In the terms and conditions of the mortgage loan that are more often imposed upon borrowers of a certain race or nationality, or upon women, be aware of this, unnecessary closing costs, inflated appraisal costs, inflated broker or lender fees, unnecessary recording fees, excessive pre-payment penalties, or changing mortgage loan terms at closing without the consent of the borrower.

In the appraisal of a home, be aware of properties that are undervalued because of the race or nationality of either the borrower or the other residents in the surrounding neighborhood. In the servicing of the mortgage loan, be aware of collection or foreclosure practices applied more harshly because of the race or nationality of either the borrower or the other residents in the surrounding neighborhood.

As housing counselor, you can help your client understand if the lending process is going as it should or if there are red flags that you need to note. Remember, experiencing discrimination can be a very, very emotional experience. So approach the client by trying to make them comfortable, realizing that they're going through quite a bit. It's always good to get information from the client, ask the where, when, what, who questions. But also be sure to ask the client how they felt, and let them know there are resources out there that people are out there to help them, like HUD's Office of Fair Housing and Equal Opportunity.

David, would you like to add anything to this discussion?

David Berenbaum: Yes. DeAndra, I really appreciate the sensitivity in how you spoke to the role of counselors, as well as the legal issues. I mean I think our community, especially right now, is so focused on concerns with regard to eviction and foreclosure, and they're gearing up in so many ways as the perfect storm is beginning unfortunately to materialize predominantly in communities of color and of low to moderate income consumers.

I think it's -- I'm going to use a word that you've used previously. And I'm going to speak to the role the counselors have in when they do sit down virtually, over a telephone, or in person today, right, with a consumer who is asking for assistance. It's very important, particularly in the fair lending scenarios, if you talk about discrimination in insurance or other areas as well, to unpack, DeAndra to use your words, to unpack what has happened and step through the entire process, following the consumer's experience.

So simple questions like, how did you learn of this mortgage company? Did you shop around? Did they check your credit? Did they look at your debt? Did they talk about the importance of residual income to sustain your housing? If you fell behind, what resources did they inform you of? Did they inform you of a housing counselor? So this will allow you and your client to really methodically and logically think through the experience, while also allowing you to objectively assess the process, and whether or not they've been treated fairly, both from a consumer perspective in any process, as well as from a fair housing perspective.

And I think that additional questions will arise from that initial intake interview. And I think that, again, that empathy and that holistic approach really protects the consumers' rights if they do have to file a complaint. Because you will have that package to share with FHEO or a state FHAP or FHIP organization.

DeAndra Cullen: Absolutely. Wow. This has been a great dialogue here. So in this next question that the audience has, I think they're trying to test your fair housing knowledge, David. I know you have some experience in the fair housing world. So I think we're going to put you to the test here. How would -- and here's my question, here's the test question, and let's hope you get the A plus star here -- a counselor know when to file a complaint with HUD compared to their state or locality?

David Berenbaum: Well, I know I'm wearing my HUD hat right now. And I believe that filing with FHEO is a wonderful way to protect one's rights. But for those of you who are FHIP agencies and housing counselor organizations, I'll also say we have to also respect the wishes of the consumer and how they would like to pursue their rights as well. And I believe FHEO would say the same thing as well. But if your client believes they've been discriminated against, they should definitely reach out to an FHEO field office or to the national toll free number, to file a federal fair housing discrimination complaint.

As I noted earlier, the process is simple and straightforward. Counselors can help them complete the form. And that's an initial form. There will be more discovery and fact finding, as we've said, by the fair housing specialist. Now not only can it be done via a phone, it can be done via email or online. And so all of these are options depending on the consumer and your situation. I'm sensitive to rural challenges, for example, where in fact it may not be as easy for the consumer who's a victim of discrimination to go online because of limited service.

Now listen, it's also very possible that the consumer may have additional protections under state or local law. Perfect example is the District of Columbia. There's a host of additional protections such as political affiliation, which is very unique as far as a protection. So that also could influence a decision on how to proceed. There are also situations where both federal and state or local rights have been violated. There may be multiple causes of action. And so that's another area where FHEO, or housing counseling, or even a fair housing initiative private fair housing group could be extremely helpful as well.

So the FHIPs and then the state or local substantially equivalent with federal law agency called fair housing assistance programs, they'll be very familiar, intimately familiar with these

protections, in addition to the seven federally protected classes that we've discussed already. So the bottom line is if your client believes that discrimination occurred, if you believe as a counselor that discrimination has occurred and you're educated to their rights, keep good records, be sure in fact to explain how the law or regulations apply to the consumer, and then refer it over to HUD FHEO or one of their partner organizations, so that the consumer's rights will be acted upon.

And more significantly, we as a nation will continue to advocate for fair housing for all Americans. I mean that's the bottom line here. If we don't take these small steps, we'll never realize the bigger goal.

DeAndra Cullen: Absolutely. Great job, David.

David Berenbaum: I got an A on that one?

DeAndra Cullen: You got an A. Good job.

David Berenbaum: All right. Thank you. So there's a question also with regard to interpreter certifications. I'd like to just cover that and then we can move into the final wrap up of the conference.

DeAndra Cullen: Absolutely. The HUD guidance on Title VI and LEP provides some information on interpreter qualifications. As I mentioned earlier, we have the language access plan that will definitely provide some guidance with regard to that. However, this guidance is clear that when using interpreters, recipients are expected to ensure that they demonstrate proficiency in an ability to communicate information accurately in both English and in the other language, and identify and employ the appropriate mode of interpreting. And that could be consecutive, it could be simultaneous, it could be summarization, it could be site translation.

It's also clear to have knowledge in both languages of any specialized terms or concepts peculiar to the entities, program, or activity, and of any particularized vocabular and phraseology used by the person with LEP. And understand and follow confidentiality, impartiality rules to the same extent the recipient employee for whom they are interpreting and/or to the extent their position requires.

It's clear that many languages have regionalisms or differences in usage. For example, a word that may be understood to mean something in Spanish for someone from Cuba, may not be so understood by someone from Mexico. In addition, there may be languages that do not have an appropriate direct interpretation of some courtroom or legal terms. The interpreter should be so aware and be able to provide the most appropriate interpretation. The interpreter should make the recipient aware of the issue when it arises, and then to work to develop a consistent and appropriate set of descriptions of these terms, so that terms can be used again when appropriate, talking about maybe a glossary of sorts.

And understand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles, particularly in court, administrative hearings, or law enforcement

contexts. Please refer to the language access plan that we have on our website. We will definitely have that link in the chat. Thank you for whoever gave that awesome question. I hope that I was able to answer that.

David Berenbaum: Absolutely, DeAndra. And unfortunately time -- there were so many other questions. I just want to note them. Because I think what we'll ask is for Shawna and the ICF team to post some of this information on Whova. There were questions also with service animals. There was a question also about ADA compliance in an office environment. And then other questions as well that we just have not had time to get to. So we'll post some additional facts and information that we thought was relevant to the conversation today.

And then it's so important that we be frankly lifelong learners in this space, because there's so many new issues. And as well, I know there are questions clarifying how we interpret the existing federal protected classes. But I thought the sessions today did a very, very good job of covering that again. So I think at this time, DeAndra, I'd like to invite you to share your closing thoughts with the group.

DeAndra Cullen: I would be happy to. Allow me to first convey my heartfelt gratitude to the coordinators of this conference. I want to also extend my appreciation to our partners, our formidable partners in the Office of Housing Counseling, for co-organizing and co-hosting this training with FHEO. I thank you, the participants, for your attendance today and yesterday. You seemed really engaged in Whova, which is a new technology that I cannot wait to share with my team after this conference, where you asked meaningful and important questions. You also shared your valuable experiences and awesome photos. Congratulations to all of you for your dedication and active engagement in this learning experience.

We designed this training with you in mind. You asked for a deeper understanding of fair housing rights and responsibilities. And we heard you. We hope that the sessions you attended this week will prepare you for issue spotting fair housing challenges your clients may encounter. We hope that fair housing becomes a natural part of your discussions with them. Remember the real work begins after the conference. I challenge each of you to use this capacity building exercise in your daily interactions with your clients as a best practice.

As you continue your work to become more informed and educated on fair housing, I encourage you to think about the Fair Housing Initiatives Program, or FHIP, as David mentioned earlier. FHIPs provide direct assistance to individuals who feel they have been discriminated against while attempting to purchase or rent a home. This competitive grant program also has an initiative which educates the public and housing providers about equal opportunity in housing and compliance with fair housing laws. There are probably housing counseling agencies here today that are also participants in the FHIP program. So please stay tuned for more information on that.

FHEO wants to be a resource for housing counseling agencies. Please, please let us know what we can do to support you as you work with your clients. We pledge to be your partner through training, collaboration, and technical assistance. Remember, strong partnerships are essential to taking on today's fair housing challenges. I am a true believer that through the proactive efforts

of all of you at this training, we will create communities where every person has the same access to the housing of their choice, regardless of their race, their color, their national origin, their religion, their sex, their disability, or their familial status.

It has been a pleasure and an honor co-hosting this conference with you, David. Thank you for your part in making this event a reality. You are a true champion of fair housing and civil rights. And I am so grateful to you. Good luck to all of you. Have a safe and prosperous holiday season. I know invite you, David, back to the screen, to provide your final thoughts and close out this program. Thank you.

David Berenbaum: DeAndra, that was wonderful. And thank you. I'm humbled by your remarks as well as really we share the same goals for the impact of this conference. And for all of our counseling community, thank you for joining us. We sincerely hope that you gained new insights that will help you in your housing counseling, quote, practice, and client engagement.

A recent study noted that 84 percent of adults across the nation agree that housing is foundational to other positive life outcomes, such as staying healthy, holding on to a job, and doing well in schools. In the same survey, 79 percent of adults believed owning a home is an essential part of the American dream. Obviously from our discussion, fair housing issues impede those goals on so many levels with regard to ensuring that our nation has a strong social fabric where everyone enjoys and celebrates equal housing opportunity.

In the coming months it is our plan to continue to offer professional development programs with other offices at HUD, as well as the CF community and other agencies, that will empower and inform your work, and help us to realize racial equity and equal housing opportunity in our nation. Please call upon the talented team at the Office of Housing Counseling, as well as the Office of Fair Housing and Equal Opportunity, if we can be of assistance in any way to facilitate this commitment to racial equity, and as you heard, affirmatively furthering fair housing.

As Dr. Martin Luther King stated, injustice anywhere is a threat to justice everywhere. We are caught in an escapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all of us indirectly. This is important work that we do together. And I know we're equally committed to realizing this vision that Dr. King had.

And as well, I would like to express my appreciation to DeAndra, our expert panelists from the Office of Fair Housing and Equal Opportunity, ICF, and the Office of Housing Counseling staff, who behind the scenes coordinated the planning and production for this [inaudible] conference. And now I'm going to turn it to Shawna for that final Mentimeter.

Shawna LaRue Moraille: Thanks so much, David. And we have been chatting with folks and hopefully priming ourselves for these final two Mentimeter questions. It's so important that you give us your feedback on the technology. We only have 133 of you providing feedback. And we've got over 400 here. So we will go ahead and put again the link in the chat box. And then we have one final one as well. So thanks for the [inaudible]. And then we'll have one final one here in just another minute.

I love again these offices are working so closely together. You can tell that David and DeAndra really are fostering and continuing their relationship, and they want to serve you all together between their two offices. So I know I learned a lot this week. And I learned a lot from all the questions that you folks are asking out there. So really appreciate everyone's time this week. So yeah, thank you, Olivia.

And so we really want to know in this one, will you provide your feedback on the overall conference this week? So you can choose sessions were helpful and will assist my agency. Sessions were helpful and will assist me personally in my career. And then if you were looking for something different, we would like to know that as well, and that you found the sessions not helpful. But please go ahead and provide your feedback here. Again we take it so seriously and really appreciate everyone's time to do that.

And thank you all so much. You can visit the event webpage, as we've mentioned. Slides are there, but in the future there'll be transcripts. There will also be recordings posted. And you can always visit HUD, the housing counseling office, at the hudexchange.info/counseling, or email them at housing.counseling@hud.gov.

And we will continue the conversation on Whova. We had mentioned before that a couple of the questions that we couldn't get to today, we'd love to dialogue with you there, and also get other FHEO experts to weigh in on all of your pressing questions. So we have the link here and also the code. We will keep it open for another week or so with the holiday, a little bit longer than the holiday certainly. You can engage with us to make sure you get your questions answered.

So thanks everyone. And thank you to David, and DeAndra, and also everyone else from ICF and HUD team, for this overall conference effort.

David Berenbaum: Shawna, I just have to do one more thing before we break.

Shawna LaRue Moraille: Please.

David Berenbaum: You know, I am so excited. I mean it's amazing. People have been probably wondering what this leaderboard is all about on Whova. So I must say, I'm very impressed with the volume of networking. You probably -- for those who tried it, you probably saw your rankings moving up and down during the course of the conference. But I have to do a shoutout, first to Suzette Rodriguez for an honorable mention. She was right up there at the top of the pack. Suzette, if I remember correctly, you're from Catholic Charities in the Chicago area. Congratulations. Great networking.

Then we're going to move to Zach Hacker who is in the number two spot, Community Ventures Corporation. Congratulations, sir. That's a lot of networking. And you were just behind Jessie Lindsey, who was the most outgoing, ambitious, networked, engaging person on Whova during the course of this conference. And Jessie is with the Twin Cities Habitat for Humanity. So just want to applaud your efforts and your engagement with all of our colleagues during the conference.

Shawna LaRue Moraille: Well, congratulations leaderboard. [inaudible] talking to on Whova. Thanks everyone. Have a great --

David Berenbaum: Happy holidays.

(END)