HOUSING OPPORTUNITIES PROJECT FOR EXCELLENCE, INC.

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HOPE, Inc. fights housing discrimination to ensure your civil rights. We are the only full-service non-profit fair housing agency servicing Miami-Dade and Broward Counties.

We have a three-tired strategy of (1) Education & Outreach, (2) Intake & Counseling, and (3) Private Enforcement. Thanks to federal, state and local funding, all of our services are free to the public. We are here to honor Martin Luther King's legacy of a just and equal society.

To become a tester or volunteer, please call (305) 651-4673 in Miami-Dade or (954) 567-0545 in Broward.

Thank you!



Federal Lawsuits Filed for Housing Discrimination in Broward County

On December 13, 2011, HOPE, Inc. filed three separate federal lawsuits against various condominium associations, website operators, and real estate companies for violating the federal Fair Housing Act by refusing to make housing units available to families with children, and publishing discriminatory advertisements. HOPE, Inc., represented by attorneys from the nonprofit civil rights law firm the Florida Justice Institute. discovered that condominium associations in Broward County, The Islander and The Embassy, have policies prohibiting children under the ages of 13 and 16 respectively. Additionally, HOPE, Inc. found that real estate agents from The Keyes Company published discriminatory advertisements indicating that children were permitted to live in these properties.

A lawsuit was also brought against Vacation Rental Organization, LLC, which operates a website that allows homeowners to indicate a preference against renting their homes to children and persons with disabilities. Representatives from HOPE, Inc., posing as home seekers with children, contacted the agents for the condo associations and were informed that they would not be permitted to live in those properties.

The lawsuits seek injunctive and declaratory relief, as well as damages to compensate HOPE, Inc., for the work it did in discovering the discriminatory practices and to compensate HOPE, Inc. representatives for the emotional insult they suffered, along with attorneys' fees and expenses. The lawsuits were filed by



From left: attorneys with the Florida Justice Institute Shawn Heller and Dante Trevisani; HOPE, Inc. President and CEO Keenya Robertson; HOPE, Inc. Intake and Investigations Coordinator Alyssa Arnell.

civil rights attorneys at the Florida Justice Institute in Miami. Randall C. Berg, Jr., Executive Director, Dante Trevisani, Shawn Heller, and Joshua Glickman represent HOPE, Inc. "Our clients fully intend to send a message to associations and apartment complexes in South Florida that discrimination, including discriminatory advertising, on the basis familial status and disability is illegal and must be stopped," said Mr. Berg.

Initially, a fourth lawsuit was filed against Baker Towers Hollywood, Florida for refusing to allow children under 12 to live there and for publishing discriminatory advertisements. Although HOPE, Inc. testers found a rule the condominium association's documents indicating that children under 12 were not permitted to live there, the association provided documentation showing that the rule has since been repealed. This lawsuit was dismissed without prejudice due to a 2002 amendment that withdrew the 1986

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HOPE Inc.'s mission is to fight housing discrimination in Miami-Dade and Broward Counties and to ensure equal housing opportunities throughout Florida. HOPE Forum is made possible by grants from U.S. HUD, Miami-Dade County, Broward County and the cities of Miami, Miami Beach, North Miami, Miami Gardens, Ft. Lauderdale, Plantation, Pompano Beach, Lauderhill, Hollywood, Margate and the Town of Davie. The findings and substance of this publication are dedicated to the public. The authors and publishers are solely responsible for the accuracy of statements, content, and interpretations in this newsletter. Such interpretations do not necessarily reflect the views of the grantors.



Message from the President & CEO

On November 7, 2011, the United States Supreme Court agreed to hear Magner v. Gallagher, a fair housing case out of the 8th Circuit Court of Appeals challenging disparate impact theory claims under the Fair Housing Act. The case involves a group of rental property owners in St. Paul, Minnesota who sued the city and several officials over aggressive code enforcement. In 2002, St. Paul began conducting sweeps for housing code violations and requiring code compliance certification on rental properties. Rental property owners alleged that the enforcement resulted in expensive renovations, increased maintenance costs, condemnations and some forced selling of properties. They claim that the city violated the Fair Housing Act, which ultimately reduced availability of affordable housing in the city and negatively impacted lower-income and minority residents. The trial judge dismissed the case on summary judgment, citing insufficient evidence of disparate impact. On appeal, the 8th Circuit Court reversed the case in respect to disparate impact.

In hearing *Magner*, the Supreme Court agreed to decide two questions: whether disparate impact claims may be brought under the Fair Housing Act and, if so, what standard should be used to test disparate impact claims. If the Supreme Court holds that disparate impact claims cannot be pursued, it will take away one of the legal avenues that private and governmental litigants could use in such cases. A negative decision would not only rule out most challenges to systemic housing discrimination, but also set precedent and potentially open up opportunities for future challenges to the application of disparate impact theory in several other civil rights laws.

On November 16, 2011, shortly after the Supreme Court announced it would hear *Magner*, the Department of Housing and Urban Development (HUD) published a proposed rule in the Federal Register to establish uniform standards for determining when a housing practice with a discriminatory effect violates the Fair Housing Act. While HUD and courts have long accepted the use of disparate impact theory to challenge discriminatory housing practices, the lack of explicit statutory language in the Fair Housing Act or supplementary agency regulations now poses a serious threat to the framework for challenging systemic housing discrimination. HOPE has relied on the disparate impact theory to combat segregation and systemic housing discrimination, most recently in challenging the discriminatory impact of occupancy restrictions, significantly limit the number of persons who can occupy a dwelling, on families with children.

Comments on HUD's proposed regulations are due January 17, 2012, but it is unclear whether HUD will release a final regulation before the Supreme Court rules in *Magner*. We, along with other fair housing advocates, encourage and support HUD in the process of promulgating this proposed rule as a "final rule" as soon as possible. The outcome of the Court's decision will turn in large part on whether HUD promulgates this proposed rule as a "final rule" before the Court decides the issue on its own. The future of fair housing enforcement depends on it.



THUMBS UP: Fair Housing Center of the Greater Palm Beaches Wins Major Victory

The Fair Housing Center of the Greater Palm Beaches (FHC) won a major victory in a federal lawsuit against one of the largest private housing providers in the Glades area of Palm Beach County. A judge granted the plaintiffs' motion for summary judgment in a Fair Housing Act claim against an apartment complex attempting to rid itself of families with children. The ruled that the actions by Alston Management and Matthew 25 Ministries to force families with children to leave violated three separate provisions of the federal Fair Housing Act and entered liability in favor of the seven Plaintiff families and the Fair Housing Center of the Greater Palm Beaches.

The lawsuit followed an FHC investigation of complaints, alleging that, in callous and reckless disregard of the fair housing rights of tenants, Alston Management delivered a cruel early Christmas present to the families with children living in the Pelican Lakes complex in Pahokee. In the weeks before Christmas, tenants received a notice stating:

"IF YOU HAVE CHILDREN LIVING OR STAYING IN THE APARTMENT UNDER THE AGE OF 18 YEARS OLD, YOU WILL HAVE TO VACATE THE PROPERTY BEFORE JANUARY 1ST, 2009.

IF YOU REFUSE TO MOVE OR COMPLY WITH THE NEW OWNERS WE WILL EVICT YOU IMMEDIATELY"

In response to the notice and pressure by the landlord and the prison ministry, which was interested in renting to sex offenders (who could not live close to a school bus stop used by children in the complex), the seven Plaintiff families (as well as other families with children) moved out of Pelican Lake.

The suit was filed in September of 2010. Vince Larkins, FHC President/CEO, stated at the time that "this is one of the worst cases of housing discrimination against families with children in recent memory." The plaintiffs are represented by Reed Colfax, Esq. a partner in the law firm of Relman, Dane & Colfax, and James Curry, Esq.

Fair Housing for Persons in Recovery

In November 2011, Deerfield Florida House, Inc, a substance abuse treatment center, filed a lawsuit against the City of Deerfield Beach alleging discrimination under the Federal Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA). The lawsuit was filed when the city refused to allow the substance abuse treatment center's expansion after receiving complaints from neighbors of the proposed expansion site.

Currently, Deerfield Florida House consists of two apartment buildings, two pools, and a café serving clients and the public. The proposed expansion is a medical detoxification center across the highway from the facility. Adding the detox center would provide a continuum of care for individuals recovering from drug or alcohol addiction beginning with the detoxification stage, going to sober living on and then off-campus, and finally to re-employment.

According to the federal lawsuit, the City of Deerfield Beach initially had no major problems with the expansion. The expansion was being treated under city code as a single facility undergoing expansion. The lawsuit alleges, however, that once the community surrounding the planned expansion started complaining, the city denied the expansion. The city stated that the



The entry of Deerfield Florida House.

detox center was a separate facility and cited a code requirement for a 1,000 foot separation between it and special residences like Deerfield Florida House. The attorneys for Deerfield Florida House believe that the city's denial violated both the FHA and the ADA, as both laws generally regard such distance requirements as invalid.

The co-owner of Deerfield Florida House believes that the city unfairly bowed to pressure from area homeowners and ignorance. The homeowners said that there were a lot of children in their neighborhood and there were concerns about the possibility of a

(Continued on page 4)

('Fair Housing for Persons...,' continued from page 3)

pedophile at the detox center. Also, the neighbors cited their elderly and special needs populations as needing protection from the inhabitants of the detox center. Both the FHA and ADA prohibit generalized conclusions about people with disabilities which has been interpreted to include individuals recovering from drug or alcohol addiction.

In 1988, when amending the FHA, Congress



Deerfield Florida House's apartment complex.

recognized that people with disabilities "have been denied housing because of misperceptions, ignorance, and outright prejudice." (House Report, note 21, at 18.) Congress saw the Fair Housing Amendments Act as "a clear pronouncement of a national commitment to end the unnecessary exclusion of persons with handicaps from the American mainstream." (House Report No. 100-711 (1988) at p. 18) "Disability" is defined as a physical or mental impairment which substantially limits one or more major life activities.

Persons who take drugs legally or who are in recovery from drug or alcohol addiction are protected

by the FHA. The location of a sober home is extremely important in the recovery process. For that reason, sober homes are ideally located in drug free, single family neighborhoods because such an environment is supportive, promotes self esteem and helps to create an incentive not to relapse. Persons living in sober homes avoid the temptations that the presence of a drug use environment could create.

In Florida, the City of Delray Beach has adopted regulations for sober houses. The city defines "family" and states that only three non-related people could live in a household. The city also limited rental turnover to six times per year and prevented businesses such as group homes or vacation rentals from operating in areas zoned for single-family homes. The city also proposed not to allow new detoxification clinics in its residential neighborhoods, keeping them around the Delray Medical Center. Officials say this would encourage health service providers to locate near that Center.

In Boca Raton, a federal judge upheld the city's right to regulate where state-licensed alcohol and drug treatment facilities could operate and the number of unrelated people allowed to live in one house. And of course, the City of Deerfield Beach is also trying to adopt laws regarding sober homes/detox centers.

So while sober homes/detox centers are protected by the Fair Housing Law and the Americans with Disabilities Act, there are challenging issues regarding how state and local jurisdictions regulate residential land use and sober homes in light of fair housing requirements. Cool heads and case law will assist in resolving these issues.



THUMBS UP: Department of Justice's Fair Lending Settlement with Countrywide

HOPE, Inc. applauds the Department of Justice in holding Countrywide Financial Corporation, a subsidiary of Bank of America, accountable for widespread discriminatory lending practices that have long been a part of the nation's mortgage market. The settlement provides for \$335 million in compensation for victims of Countrywide's discrimination, but it is only the tip of the iceberg when it comes to compensating communities of color and women who have been long-time victims of lending discrimination.

Countrywide offers a lesson in why the Senate must confirm a director for the Consumer Financial Protection Bureau (CFPB), a new federal agency working against discriminatory, unfair, deceptive and abusive financial products and practices. The CFPB has the vital Office of Fair Lending and Equal Opportunity, focused on developing and enforcing fair rules so that consumers will not be taken advantage of in their financial transactions.

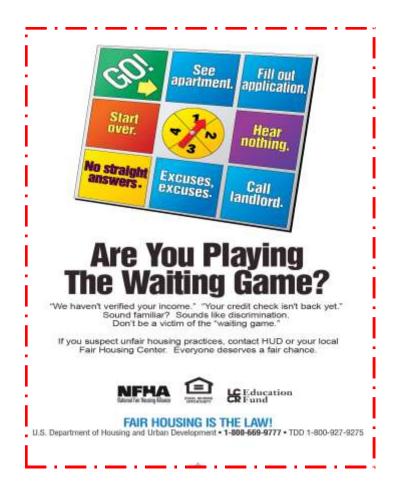
In the case against Countrywide, Latino and African-Americans families were steered to higher interest subprime loans even when they qualified for prime loans. In Illinois for example, African-American families making \$100,000 a year were more likely to receive subprime loans than white families making \$35,000 annually. People of color were also the victims of additional fees that were not charged to white borrowers. This type of behavior is unconscionable and is the result of Countrywide putting profits ahead of fair play and common decency.

('Four Federal Lawsuits...,' continued from page 1)

amendment which included the age restriction. However, refusing to make units available to families with children became illegal in 1988. As such, Baker Towers' documents included an illegally discriminatory clause against children for approximately fourteen years.

Previous Baker Towers amendments included the specific language being altered or removed from their documents. This type of clarity was not present in the 2002 amendment that simply stated, "Said Amendment recorded on or about 5/12/86, in Official Records Book…is hereby withdrawn" and there was nothing further to remind owners that child discrimination was illegal. Had it been, perhaps the discriminatory 2011 advertisement would not have been published.

Baker Towers agreed to reaffirm its commitment to fair housing by sending a reminder to its members that the association does not discriminate against families with children, and that any attempt to restrict housing opportunities in this way is prohibited by the Fair Housing Act. We encourage all Florida condo associations to take the time and effort to review and revise their documents to ensure compliance, in addition to communicating current and updated policies that demonstrate compliance with local, state, and federal fair housing laws.



Law Abiding CDC!

In October 2011, a complainant called HOPE, Inc. in order to get some assistance with a reasonable accommodation request. The complainant had recently moved in The Allen Elderly Housing managed by Miami Beach Community Development Corporation (CDC). During her conversation, the complainant, continued to express her gratitude for the CDC providing her with housing that she so desperately needed, however, she could not fully enjoy her unit because it was not easily accessible for her to enter or exit. She made a verbal request to be relocated to another unit in the same building, but to no avail. The complainant was not granted the relocation.



Symbols pertaining to disability issues (clockwise from top left): hearing, mobility, Braille, sign language, and vision.

After hearing about the complainant's situation, staff members at HOPE, Inc. conducted a site visit to discuss the matter further and determine the needs of the complainant. After such visit a phone call was made to the Miami Beach Community Development Corporation to explain why a reasonable accommodation was necessary for the complainant to fully enjoy her unit.

The federal Fair Housing Act protects persons with disabilities and requires that housing providers make reasonable accommodations to their policies on a case-by-case basis. If a policy change is reasonable and will help a person with a disability to live independently and allow for fuller access to housing, then it must be granted.

In November 2011, the complainant called HOPE, Inc. and happily reported she was transferred to another unit. What were tears of sadness were actually now tears of joy (literally, she wept with relief as she called)! Kudos are also due to the Miami Beach Community Development Corporation for granting the complainant reasonable accommodation request and abiding by the Fair Housing Act.

Affirmatively Furthering Fair Housing

The concept of "affirmatively furthering fair housing" is based on Section 808 (e) (5) of the federal Fair Housing Act which states that the Secretary of HUD shall administer its housing and community development programs in a manner that affirmatively furthers the purpose of the Fair Housing Act. We dedicate this column to Miami-Dade and Broward jurisdictions that receive Community Development Block Grant (CDBG) funds and partner with HOPE, Inc. to implement the following activities.

Broward Area Outreach

Fair Housing and Predatory Lending Presentations—These presentations consist of PowerPoint visuals, formal lectures, question and answer periods, and informational packages. All presentations are modified to meet the individual needs of the sponsor. The following jurisdictions were impacted by Broward area outreach activities from October 2011 through December 2011: Davie, Fort Lauderdale, Plantation, Pompano Beach, Tamarac and other Broward locations. The following presentations were conducted (in English, unless otherwise noted):

- October 8, 2011: Broward County Housing Authority; Homebuyer Workshop
- October 8, 2011: Urban League of Broward County; Homebuyer Workshop
- October 8, 2011: Deerfield Beach Housing Authority, Homebuyer Workshop
- October 22, 2011: Oasis of HOPE; Homebuyer Workshop
- October 29, 2011: Neighborhood Housing Services of South Florida; Homebuyer Workshop
- October 29, 2011: Neighborhood Housing Services of South Florida; Homebuyer Workshop (Spanish)
- October 29, 2011: Housing Foundation of America; Homebuyer Workshop
- November 12, 2011: Broward County Housing Authority; Homebuyer Workshop
- November 12, 2011: Urban League; Homebuyer Workshop
- November 12, 2011: Housing Foundation of America; Homebuyer Workshop
- November 19, 2011: New Visions; Homebuyer Workshop
- November 19, 2011: Neighborhood Housing Services of South Florida; Homebuyer Workshop (Spanish)
- December 10, 2011: Deerfield Beach Housing Authority, Homebuyer Workshop
- December 10, 2011: Urban League; Homebuyer Workshop
- December 10, 2011: Broward County Housing Authority; Homebuyer Workshop

- December 17, 2011: Neighborhood Housing Services of South Florida; Homebuyer Workshop
- December 17, 2011: Oasis of HOPE; Homebuyer Workshop
- December 17, 2011: New Visions; Homebuyer Workshop

Housing Provider Rights and Responsibilities Presentations- These presentations consist of PowerPoint visuals, formal lectures, question and answer periods, and information packages custom designed for the specific needs of local housing providers.

- October 3, 2011: City of Tamarac; Provider Training
- October 5, 2011: Broward County Government; Provider Training
- October 25, 2011: Cornerstone Properties; Provider Training (2 sessions)

Community, Cultural, Health, and Job Fairs-HOPE, Inc. participates in local community events to diversify outreach efforts. At these events, HOPE, Inc. provides informational materials on Fair Housing and Predatory lending, as well as, answering questions, taking discrimination complaints, and counseling individuals on their rights and responsibilities. Outreach efforts reach the elderly, the disabled, children, parents, and other local residents.

• October 15, 2011: Davie; Disabilities Expo

November 18, 2011: Davie; Diversity Expo

• November 19, 2011: Davie; Diversity Expo













Miami-Dade Area Outreach

The following entitlement jurisdictions were impacted by Miami-Dade area outreach activities from October 2011 to December 2011: Miami-Dade County, the City of Miami, the City of Miami Beach, the City of North Miami, and other Miami-Dade locations.

Fair Housing and Predatory Lending Presentations (conducted in English, unless otherwise noted):

- October 5, 2011: Empower U; General Meeting
- October 6, 2011: Martin Memorial Church for the Miami Dade Affordable Housing Foundation; Homebuyer Workshop
- October 8, 2011: Centro Campesino; Homebuyer Workshop
- October 8, 2011: Centro Campesino; Homebuyer Workshop (Spanish)
- October 8, 2011: Universal Truth Center; Homebuyer Workshop
- October 8, 2011: Antioch Missionary Baptist Church; Homebuyer Workshop
- October 11, 2011: Community Action Agency for the Miami Dade Affordable Housing Foundation; Homebuyer Workshop
- October 12, 2011: Miami Beach CDC; Homebuyer Workshop (Spanish)
- October 15, 2011: Trinity Empowerment; Homebuyer Workshop
- October 15, 2011: Neighborhood Housing Services of South Florida; Homebuyer Workshop
- October 15, 2011: Miami Beach CDC; Homebuyer Workshop
- October 15, 2011: Vision to Victory; Homebuyer Workshop
- October 26, 2011: Miami Beach CDC; Homebuyer Workshop (Spanish)
- October 27, 2011: University of Miami, Law Seminar Course
- October 29, 2011: Miami Beach CDC; Homebuyer Workshop (Spanish)
- November 3, 2011: Martin Memorial Church for the Miami Dade Affordable Housing Foundation; Homebuyer Workshop
- November 5, 2011: Centro Campesino; Homebuyer Workshop
- November 5, 2011: Centro Campesino; Homebuyer Workshop (Spanish)
- November 9, 2011: South Dade AARP; General Meeting
- November 9, 2011: Miami Beach CDC; Homebuyer Workshop (Spanish)
- November 12, 2011: Neighborhood Housing Services of South Florida; Homebuyer Workshop (Spanish)
- November 12, 2011: Antioch
- November 15, 2011: Opa-locka AARP; General Meeting
- November 18, 2011: Little Haiti Housing Association; Homebuyer Workshop (Creole)
- November 19, 2011: Trinity Empowerment
- November 19, 2011: Neighborhood Housing Services of South Florida; Homebuyer Workshop
- November 19, 2011: Vision to Victory; Homebuyer Workshop
- December 3, 2011: Centro Campesino; Homebuyer Workshop
- December 3, 2011: Centro Campesino; Homebuyer Workshop (Spanish)

- December 3, 2011: Miami Beach CDC; Homebuyer Workshop (Spanish)
- December 5, 2011: Behavioral Science Research; Re-Entry Committee Meeting
- December 9, 2011: Little Haiti Housing Association; Homebuyer Workshop (Creole)
- December 10, 2011: Martin Memorial for MDAHFI
- December 10, 2011: Antioch Missionary Baptist Church; Homebuyer Workshop
- December 13, 2011: Community Action Agency for the Miami Dade Affordable Housing Foundation; Homebuyer Workshop
- December 14, 2011: Miami Beach CDC; Homebuyer Workshop (Spanish)
- December 17, 2011: Neighborhood Housing Services of South Florida; Homebuyer Workshop

Housing Provider Presentations:

- October 26, 2011: Miami-Dade County Coordinated Victims Assistance Center; Provider Meeting
- November 7, 2011: St. John CDC; Provider Training
- December 2, 2011: Urban League; Provider Training
- December 7, 2011: Jewish Community Services; Provider Training

Community, Cultural, Health, and Job Fairs:

- October 1, 2011: Miami Beach; Celebrate Orgullo Festival
- October 7, 2011: Miami-Dade Public Schools; Sexual Minority Network partner presentations
- October 19, 2011: Miami Beach; Ability Explosion









Yes, I want to invest in the future of my community by becoming a member of HOPE, Inc.!

Please fill out this membership application and mail with your TAX-DEDUCTIBLE contribution to:

HOPE, Inc. Attn: Membership 11501 NW 2nd Ave Miami, FL 33168

NAME:		
COMPANY:		
ADDRESS:		
CITY:	_ST:	ZIP:
PHONE:		FAX:
EMAIL:		

___ Non-Profit (\$250.00)

_____ Individual (\$35.00)

_____ Family (\$75.00)

____ Friend (\$100.00)

There are laws against discrimination in the rental or sale of housing on the basis of:

♦ Race♦ Color♦ Age

♦ National Origin
 ♦ Religion
 ♦ Marital Status
 ♦ Pregnancy
 ♦ Political Affiliation

♦ Sex ♦ Ancestry ♦ Familial Status ♦ HIV Status

Do you suspect you have been a victim of Housing discrimination?
Help is available. Don't delay.

Call the HOPE, Inc. DISCRIMINATION HELPLINE!
Miami-Dade: 305-651-HOPE (4673)
Broward: 954-567-0545
or file a complaint at www.hopefhc.com

	Corporate (\$500.00)
INT. BC4-C	

Good Neighbor (\$1,000.00)

Sustaining Partner (\$10,000.00)

Juniors For Justice (\$5.00) (13-18 years old)

Pennies from Heaven (children 12 and under)

I am unable to contribute but please send me HOPE Forum

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