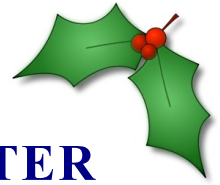




# MIAMI VALLEY FAIR HOUSING CENTER NEWSLETTER



Published by the Miami Valley Fair Housing Center, Inc.

DECEMBER 2011

JIM MCCARTHY, PRESIDENT/CEO

## Federal court enjoins Alabama officials from relying on anti-immigrant law in issuing mobile home registration tags

After several hours of testimony, the U.S. District Court for the Middle District of Alabama temporarily enjoined Alabama state officials from enforcing a section of Alabama's anti-immigrant law HB 56 against families who live in mobile homes.

Section 30 of HB 56 would impose criminal penalties on any individual entering into, or attempting to enter into, a "business transaction" with the State or a political subdivision without proof of U.S. citizenship or lawful immigration status. The enforcement of Section 30 by state officials charged with issuing annual registration tags to residents of mobile homes would have left undocumented immigrants in an impossible position: attempt to renew the mobile home tags they need and risk being charged with a felony under HB 56, or refrain from renewing tags before the November 30 renewal deadline and risk other civil and criminal penalties, including criminal prosecution and imprisonment.

The court enjoined Alabama's Revenue Commissioner and a Montgomery County official from requiring any person who attempts to pay the annual fee required by the state's manufactured home registration law to provide doc-

umentation of his or her U.S. citizenship or lawful immigration status; and from refusing to issue manufactured home decals to any person because that person cannot prove his or her U.S. citizenship or lawful immigration status. The court also ordered the Revenue Commissioner immediately to notify all other responsible county officials in the State of the court's ruling.

The lawsuit was filed by the Central Alabama Fair Housing Center (based in Montgomery), the Fair Housing Center of Northern Alabama (based in Birmingham), the Center for Fair Housing, Inc. (based in Mobile), and two John Doe individuals on behalf of a class of similarly situated individuals.

Relman, Dane & Colfax is representing the plaintiffs in the suit, in conjunction with lawyers from the Southern Poverty Law Center, the National Immigration Law Center, the ACLU, and LatinoJustice.

The *New York Times* has a discussion of how HB 56 is adversely affecting Alabama and its residents in an editorial entitled, "[The Price of Intolerance.](#)"

## Fair Housing Basics

In federal fair housing laws there are groups of people called "protected classes". These are individuals and groups that have a history of being harmed by policies that limit their housing choices. In the past, landlords could choose their tenants based on characteristics such as family size, color, or religion.

However, since the enactment of the 1968 Civil Rights Law, this has been illegal when the applicant meets all of the objective criteria such as good credit, good rental history, ability to pay, no criminal history and the landlord's occupancy standards so as not to overcrowd.

Federally protected classes include race, color, national origin, religion, gender, disability and familial status. This last protected class includes families with one or more people under the age of 18 living with them. Familial status also embraces foster families, pregnant women, and people seeking custody of children.

Some areas or municipalities have added protected classes to their local ordinances. For example, the State of Ohio has added ancestry and military status to their list and the City of Dayton prohibits discrimination based on someone's marital status, age, sexual orientation and gender expression.

## Funding for Fair Housing Initiatives Program Budget remains at FY 2011 Level

On November 19, 2011 President Obama signed into law H.R.2112, a final spending measure “minibus” bill, which included the HUD budget for FY 2012. Several changes to housing and community development program spending between the House and the Senate were made during the conference process.

However, due to the amazing work of the Miami Valley Fair Housing Center (MVFHC) Board of Directors and local MVFHC members over the past months, Senate and House conferees agreed to fund the Fair Housing Initiatives Program (FHIP) at \$42.5 million, which is level with the appropriations for FY 2011.

Below is a table that summarizes the various housing and community development programs covered in the HUD budget.

**HUD Fair Housing and Community Development Programs**  
(\$ in millions)

Program	FY10	FY11	FY12 President's Proposal	FY12 House Subcommittee Bill	FY12 Senate Bill	Final HR 2112 Minibus
FHIP	\$42.5	\$42.4	\$42.5	\$42.5	\$42.5	\$42.5
FHAP	\$29.5	\$29.4	\$29.5	\$29.4	\$28.4	\$28.4
HOME	\$1,825	\$1,607	\$1,650	\$1,200	\$1,000	\$1,000
CDBG	\$3,990	\$3,336	\$3,684	\$3,501	\$2,851	\$2,948
HUD Housing Counseling	\$97.5	0	\$88	0	\$60*	\$45

\* Does not include NeighborWorks National Foreclosure Mitigation Counseling funding of \$80 million.

This is great news. MVFHC will receive level FHIP funding for FY2012 and FY2013. While there still may be serious consequences for the work of fair housing organizations due to cuts in HOME and CDBG, we won a great victory by achieving level funding for FHIP. Such an accomplishment is in large part due to the great pressure that MVFHC members placed on their Representatives and Senators.

Thanks for all your hard work!

## Creating Advertising that complies with the Fair Housing Act is Easy!

Creating advertising which is sensitive to the protected classes under the Fair Housing Act is not difficult. Simply review the wording in the ad to see if anyone would feel excluded by what is being said. Keep in mind, if a reader in a particular protected class wouldn't pick up the phone to respond to the ad because of exclusionary wording, there could be a complaint. For example, the terms “No children” or “adults only” for market rate or Section 8 rental housing could violate federal, state and local law by expressing a refusal to rent to households with children under 18.

To make advertising easier, HUD issued guidance in January of 1995 on advertising terms that violate the Fair Housing Act and on those that do not violate the Act. HUD will not investigate complaints based on terms such

as “Happy Easter,” or “Merry Christmas.” Yet, they would investigate a complaint based on wording such as “only Christians need apply”. See the [Achtenberg Memo](#).

The Miami Valley Fair Housing Center has also published a [Fair Housing Advertising Word and Phrase List](#) on our website to help real estate professionals comply with provisions of the Fair Housing Act. The List contains a key, with **Bold** type print representing “not acceptable,” *Italicized* representing “cautionary wording,” and standard underlined font type representing “acceptable.” There is also a [PDF format version](#) of this list for downloading.

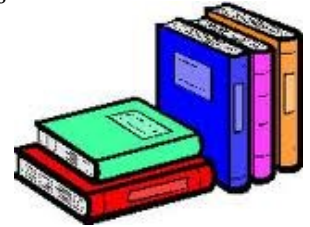


## The Book Corner



Dr. Martin Luther King, Jr. (1929-1968), Nobel Peace Prize laureate and architect of the nonviolent civil rights movement, was among the twentieth century's most influential figures. One of the greatest orators in U.S. history, King also authored several books, including *Stride Toward Freedom: The Montgomery Story*, *Where Do We Go from Here: Chaos or Community?*, and *Why We Can't Wait*. His speeches, sermons, and writings are inspirational and timeless.

See a list of Dr. King's books at [Amazon.com's Martin Luther King Jr. Page](#)



The Miami Valley Fair Housing Center will staff a booth with fair housing information as a part of the 2012 Miami Valley Home Improvement Show.

The Miami Valley Home Improvement Show hours are Thursday, January 12 and Friday, January 13 from 4 p.m. to 9 p.m., Saturday, January 14 from 10 a.m. to 9 p.m., and Sunday, January 15 from 10 a.m. to 5 p.m.

Admission is only \$8 for adults, free for kids under the age of 12. Parking is free.



[Click for website](#)

### Mark your calendars for these UPCOMING EVENTS!



- |                    |  |
|--------------------|--|
| December 14        | Miami Valley Fair Housing Center's Annual Meeting<br>11:45 am to 1:30 pm at the Dayton Area Board of Realtors,<br>1515 South Main Street |
| January 12 thru 15 | Miami Valley Home Improvement Show<br>Hara Arena   |
| January 16         | Martin Luther King Day   |

#### MVFHC Mission Statement

The mission of the Miami Valley Fair Housing Center (MVFHC) is to eliminate housing discrimination and ensure equal housing opportunity for all people in our region.

Specifically, the Miami Valley Fair Housing Center seeks to eliminate housing discrimination against all persons because of race, color, religion, national origin, sex, disability, familial status, or any other characteristic protected under state or local laws. In furthering this goal, MVFHC engages in activities designed to encourage fair housing practices through educational efforts; assists person who believe they have been victims of housing discrimination; identifies barriers to fair housing in order to help counteract and eliminate discriminatory housing practices; works with elected and government representatives to protect and improve fair housing laws; and takes all appropriate and necessary action to ensure that fair housing laws are properly and fairly enforced throughout the Miami Valley.

#### MVFHC Vision Statement

The Miami Valley Fair Housing Center recognizes the importance of "home" as a component of the American dream. We envision a country free of housing discrimination where every individual, group and community enjoys equal housing opportunity and access in a bias-free and open housing market. We envision a country where integrated neighborhoods are the norm, and private and public sectors guarantee civil rights in an open and barrier-free community committed to healing the history of discrimination in America.

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