

City Council  
Agenda Memo



City Council  
Meeting Date: 11-20-2014

**TO:** David A. Vela, Interim City Manager  
**FROM:** Jon C. James, Director of Planning and Development Services  
**SUBJECT:** Resolution: Adoption of Amended Fair Housing Policy

**GENERAL INFORMATION** – The City adopted an amended Fair Housing Policy May 28, 2009. The Fair Housing Act protects individuals from discrimination in purchasing and renting housing. The Department of Housing and Urban Development has issued guidelines in determining what is considered discrimination (HUD 1260). The Fair Housing Act prohibits discrimination in housing because of: race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under age 18) and disability.

**FUNDING/FISCAL IMPACT** – None

**STAFF RECOMMENDATION** – Staff recommends adoption of the amended Exhibit A.

**ATTACHMENTS** – Amended Fair Housing Policy - Exhibit A and Amended City of Abilene Fair Housing Commitment – Exhibit B

Resolution

Prepared by:  Sandy Bowen  Neighborhood Initiatives Manager	Item No. <u>6.2</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____  _____ City Secretary
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EXHIBIT A

CITY OF ABILENE  
FAIR HOUSING POLICY

I. STATEMENT OF POLICY

The City of Abilene is committed to promoting, through fair and lawful procedures, the opportunity for each person to obtain housing without regard to his/her race, color, religion, national origin, sex, disability, or familial status. This commitment is grounded upon a recognition of the right of every person to have access to adequate housing of his/her own choice without regard to race, color, religion, national origin, sex, disability or familial status.

II. ADMINISTRATION

The head of each department in the City of Abilene is responsible for ensuring that its programs and activities relating to housing and urban development be administered in a manner to affirmatively further the goal of fair housing as required by Title VIII of the Civil Rights Act of 1968 and the Constitution of the United States.

III. IMPLEMENTATION RESPONSIBILITIES

The primary responsibility for the implementation of the Fair Housing Policy rests with the City Manager and his staff.

City Manager

1. Commitment of City resources in support of the Fair Housing Policy;
2. Designation of a Fair Housing Officer to implement and carry out the Fair Housing Policy.

IV. FAIR HOUSING OFFICER

The basic responsibilities of the Fair Housing Officer shall be to:

1. Develop procedures for implementation of the Fair Housing Policy.
2. Provide fair housing orientation and training for management and administrative staff in positions dealing with housing issues.
3. Assure completion of all required fair housing reporting forms.
4. Maintain liaison with state and federal agencies with fair housing compliance functions, and with community organizations and citizen groups with interest in fair housing activities.
5. Receive and forward allegations of discriminatory housing practices in the City to the City Manager's office and the HUD Regional Office.
6. Annually review and evaluate the City's Fair Housing Policy and propose necessary changes and revisions to the City Manager.

V. FAIR HOUSING COMPLAINT PROCEDURES

Any community resident who feels that he/she has been discriminated against in obtaining housing and/or housing related services because of race, color, religion, sex, national origin, or familial status, shall have the right to file a written Housing Discrimination Complaint with the Fair Housing Officer for the City of Abilene. The complaint must be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 30 calendar days after the alleged violation to City of Abilene, Fair Housing Officer. Housing Discrimination Complaint forms shall be available in the Office of Neighborhood Services at 555 Walnut, Abilene, TX. Within 15 business days, the Fair Housing Officer or their designee will respond to complainant in writing.

Adopted by the City Council on \_\_\_\_\_ .

## **EXHIBIT B**

# **City of Abilene Fair Housing Commitment**

**The City of Abilene is committed to promoting, through fair and lawful procedures, the opportunity for each person to obtain housing without regard to his/her race, color, religion, national origin, sex, disability, or familial status. This commitment is grounded upon a recognition of the right of every person to have access to adequate housing of his/her own choice without regard to race, color, religion, national origin, sex, disability or familial status.**

## **HUD Guidelines for Fair Housing Act**

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The Fair Housing Act protects individuals from discrimination in purchasing and renting housing. The following guidelines are set by the US Department of Housing and Urban Development in determining what is considered discrimination (HUD 1260 FHEO April 1993).

### **The Fair Housing Act prohibits discrimination in housing because of:**

- Race
- Color
- National origin
- Religion
- Sex
- Familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18)
- Disability

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker and housing operated by organizations and private clubs that limit occupancy to members.

### **Sale and rental of housing - No one may take any of the following actions based on race, color, national origin, religion, sex, familial status, or handicap:**

- Refuse to rent or sell housing
- Refuse to negotiation for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions, or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental
- For profit, persuade owner to sell or rent (blockbusting)
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

**Mortgage lending – No one may take any of the following actions based on race, color, national origin, religion, sex, familial status, or handicap:**

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan
- Discriminate in appraising property
- Refuse to purchase a loan
- Set different terms or conditions for purchasing a loan.

**In addition - It is illegal for anyone to:**

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status or handicap. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

**If you or someone associated with you:**

- Have a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex or mental retardation) that substantially limits one or more major life activities
- Have a record of such a disability or
- Are regarded as having such a disability...

**Your landlord may not:**

- Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the handicapped person to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move).
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the handicapped person to use the housing.

**However, housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.**

If you believe that you have been discriminated against under these Fair Housing guidelines, you can request an investigation. The first step is to contact the City of Abilene Fair Housing Officer. Sandy Bowen is the current Fair Housing Officer. If you want to submit a complaint, you need to provide the Fair Housing Officer with the following information:

- Your name and address
- The name and address of the person your complaint is against
- The address or other identification of the housing involved
- A short description of the alleged violation (the event that caused you to believe your rights were violated)
- The date(s) of the alleged violation

The Fair Housing Officer is responsible for hearing discrimination claims and determining what steps must be taken to resolve the situation. To file a claim, write a letter including the above information and send to:

City of Abilene  
Office of Neighborhood Services  
Attention: Fair Housing Officer  
PO Box 60, Abilene, Texas 79604-0060

Or Contact:

Sandy Bowen

325-676-6383

[Sandy.bowen@abilenetx.com](mailto:Sandy.bowen@abilenetx.com)

If you prefer, the US Department of Housing and Urban Development can assist with housing discrimination issues. If you think your rights have been violated, the Housing Discrimination Complaint Form is available for you to download, complete and return or complete online and submit at [www.hud.gov/complaints/housediscrim.cfm](http://www.hud.gov/complaints/housediscrim.cfm) or you may contact HUD directly:

HUD Fair Housing Enforcement Center

801 Cherry Street – 27<sup>th</sup> Floor

P.O. Box 2905

Fort Worth, Texas 76113-2905

817-978-5900

1-800-669-9777

TTY (817) 978-5595 (toll-free TTY 1-800-927-9275)

### **Other local and state resources:**

Legal Aid of Northwest Texas, 500 Chestnut – Ste 901, Abilene, TX 79602

325-677-8591

[www.lanwt.org/](http://www.lanwt.org/)

Taylor County Eviction Court, 301 Oak, Abilene, TX 79602

Justice of the Peace – Pct 1

Place 1 325-674-1338

Place 2 325-674-1267

[www.taylorcountytexas.org/precinct1.html](http://www.taylorcountytexas.org/precinct1.html)

Big Country Apartment Association, P.O. Box 7236, Abilene, TX 79608

325-695-7431

Abilene Association of Realtors, 626 S. Pioneer, Abilene, TX 79605

692-9821

Texas Tenant Advisor

[www.texastenant.org](http://www.texastenant.org)

Texas Commission on Human Rights, P.O. Box 13006, Austin, TX 78711-3006

888-452-4778



It is against the law to discriminate in housing on the basis of race, color, national origin, sex, religion, familial status or disability.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS  
ADOPTING AND AMENDING A FAIR HOUSING POLICY IN ACCORDANCE WITH  
THE CIVIL RIGHTS ACT OF 1968 (AS AMENDED) AND THE CONSTITUTION OF  
THE UNITED STATES AND THE U.S. DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT 1260 FAIR HOUSING AND EQUAL OPPORTUNITY GUIDELINES.**

WHEREAS, it is important that every human being have access to adequate housing of his or her choice, and

WHEREAS, the Civil Rights Act of 1968 (as amended) and the Constitution of the United States provide that no citizen can be denied access to housing of his or her choice because of race, color, religion, national origin, sex, disability or familial status, and

WHEREAS on September 10, 1981, the City Council of the City of Abilene, Texas, adopted a Resolution endorsing and supporting the principle of Fair Housing as set forth in the Civil Rights Act of 1968, and

WHEREAS, on April 25, 1985, the City Council of the City of Abilene passed a Resolution adopting a Fair Housing Policy in accordance with the Civil Rights Act of 1968 and the Constitution of the United States, and

WHEREAS, in April 1993, the U. S. Department of Housing and Urban Development set guidelines in determining what is considered discrimination (HUD 1260 FHEO April 1993) to include disability and familial status, and

WHEREAS, on May 28, 2009, the City Council adopted the amended Fair Housing Policy and authorized the City Manager to designate a Fair Housing Officer for the City of Abilene through whom all complaints of housing discrimination would be processed in coordination with the U.S. Department of Housing and Urban Development, Office of Regional Fair Housing and Equal Opportunity, 801 Cherry St., Unit #45, Suite 2500, Ft. Worth, Texas 76102;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

Part 1: The City of Abilene hereby adopts the amended Fair Housing Policy shown on the attached Exhibit A, which is incorporated for all purposes, along with the HUD 1260 FHEO Guidelines, Exhibit B.

Part 2: This resolution shall take effect immediately from and after its passage.

ADOPTED this the 20<sup>th</sup> day of November 2014.

ATTEST:

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CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

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CITY ATTORNEY