

Memorandum



DATE August 16, 2017

TO Members of the Economic Development & Housing Committee:
Tennell Atkins, Chair, Rickey D. Callahan, Vice-Chair, Lee M. Kleinman,
Scott Griggs, Casey Thomas, II, B. Adam McGough, Mark Clayton, Kevin Felder,
Omar Narvaez

SUBJECT **HUD Recertification of Dallas Fair Housing Office**

On Monday, August 21, 2017, the Committee will be briefed on the U. S. Department of Housing and Urban Development's (HUD) recertification of the City of Dallas Fair Housing Office.

Should you have any questions, please contact me at (214) 671-5257.



Raquel Favela
Chief of Economic Development & Neighborhood Services

c: The Honorable Mayor and Members of the City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Kimberly Bizar Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

Jon Fortune, Assistant City Manager
Jo M. (Jody) Puckett, P.E., Assistant City Manager (Interim)
Jill A. Jordan, P.E., Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

HUD Recertification of Dallas Fair Housing Office

Economic Development
and Housing Committee
August 21, 2017

Beverly Davis, Assistant
Director, Fair Housing and
Human Rights Office



City of Dallas

Purpose

To provide an overview of HUD's offer to renew the certification of the Dallas Fair Housing Office through the adoption of the 2017 Addendum to the Memorandum of Understanding

Background

- Prior to 1968 there was widespread legal segregation and discrimination in housing throughout the United States, in the State of Texas, and the City of Dallas.
- One week after the assassination of Dr. Martin Luther King Jr. in April of 1968, President Lyndon B. Johnson signed the Fair Housing Act into law. This act prohibited discrimination in the sale, rental or financing of housing and also covers other housing related services and practices.
- In November 1971, the Dallas City Council passed the first Open Housing Ordinance after extensive work by the first elected African American City Council Member, George Allen.

Background

- The Fair Housing Act stipulated that local governments could provide fair housing enforcement at the local level if:
 - The local law was substantially equivalent to provisions in the Federal Fair Housing Act and:
 - The local agency demonstrated the ability to meet the performance criteria established by HUD.
- In 1992 the City of Dallas Fair Housing Office received an interim certification as a substantially equivalent agency.

Background

- In 1995 the City of Dallas received certification as a substantially equivalent agency and a Memorandum of Understanding was established.
- City of Dallas Fair Housing currently operates under the 2010 addendum to the MOU.
- 2017 Addendum to MOU changes are administrative and procedural

Protected Classes adopted under the federal Fair Housing Act

- Original Protected Classes: race, color, national origin, and religion
- Amendments to the Federal Fair Housing Act
 - Sex Discrimination (1974)
 - Familial Status and Handicap Discrimination (1988)

Protected Classes adopted by the City of Dallas

- Race
- Color
- National Origin
- Religion
- Familial Status
- Sex
- Handicap
- Sexual Orientation
- Source of Income (Veterans, disability, child or spousal support)

Complaint Process

Complaint and Enforcement Process

- Intake and Analysis
- Establish Jurisdiction
 - Must be within the Dallas City limits
 - Must be a matter covered by the law
 - Must be a covered dwelling
 - One year statute of limitations to file a complaint
- Assign complaint to Fair Housing Investigator for investigation
- Attempt Conciliation to resolve the case
- Develop Final Investigative Report (FIR) and recommend Cause or No Cause
- Final Determination made by the City Attorney's Office
- "Cause Cases" are resolved through judicial or administrative process

HUD Review of Cases and Performance

- HUD maintains a nationwide system for case management and monitoring of investigations called HEMS (HUD Enforcement Management System)
- Case information is entered into HEMS system
- Information can be accessed by the local agency, as well as, HUD
- HUD conducts an annual performance assessment that includes:
 1. assessing whether standard are met
 2. evaluating quality of investigations
 3. reviewing disposition of cause cases
 4. ensuring sure appropriate relief is granted to discourage future discrimination and protect the public interest

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HUD Review of Cases and Performance

- HUD Regional Office conducts performance assessment and makes recommendation to national office for recertification and the continuation of the memorandum of understanding for the next 5 years
- Annual performance period is July 1 – June 30th
- Dallas Fair Housing is allocated an annual Cooperative Agreement grant amount based on the number of cases closed with additional allocations for training and administrative cost
- 2016 Cooperative Agreement Grant was \$297,350 and was accepted by City Council on Oct 16, 2016
- 2017 Cooperative Agreement Grant amount is under HUD review and will be presented for council approval upon receipt from HUD

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Recommendation

- Renew certification through the adoption of the 2017 Addendum to Memorandum of Understanding with HUD