

# FAMILY PRESERVATION TRAINING

---

ECHO HRS STRATEGY DEPARTMENT

*OCTOBER 2021*



# ECHO

FIERCELY COMMITTED TO ENDING HOMELESSNESS



# Training Objectives

---

- Participants will review and learn more about current Housing Discrimination protections within our CoC.
- Familiarize participants with Fair Housing Regulations.
- Review Equal Access Rule with regards to family service delivery.
- Discuss Examples of Discrimination.
- Review how to file a housing discrimination complaint .



# Equal Access Final Rule

---

On September 21, 2016, HUD published a final rule in the [Federal Register](#) entitled “Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs.” Through this final rule, HUD ensures equal access to individuals in accordance with their gender identity in programs and shelter funded under programs administered by HUD's Office of Community Planning and Development (CPD). This rule builds upon HUD's February 2012 final rule entitled "[Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity](#)" (2012 Equal Access Rule), which aimed to ensure that HUD's housing programs would be open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. The final rule requires that recipients and subrecipients of CPD funding, as well as owners, operators, and managers of shelters, and other buildings and facilities and providers of services funded in whole or in part by any CPD program to grant equal access to such facilities, and other buildings and facilities, benefits, accommodations and services to individuals in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family.



# City of Austin Chapter 5-1 Housing Discrimination

---

## § 5-1-2 - SCOPE.

(A) To provide a procedure for investigating and settling complaints of discriminatory housing practices which are violations of state and federal law, to provide rights and remedies substantially equivalent to those granted under federal law and to permit the director to accept referrals of complaints from the Secretary of Housing and Urban Development and from the Civil Rights Division of the Texas Workforce Commission. Article 2 (*Discrimination in Housing - Fair Housing Act Compliance*) prohibits discrimination in housing on the basis of race, color, sex, religion, disability, familial status or national origin and establishes procedures to enforce the provisions of federal and state law.

(B) Even though federal law protects individuals against discrimination in housing based on race, color, sex, religion, disability, familial status or national origin, it is the policy of the City that no person should be denied opportunity to obtain housing on the basis of creed, student status, marital status, sexual orientation, gender identity, age, or source of income.



# Regulatory Citations

---

## General HUD Program Requirements

- 24 CFR 5.105 Other Federal Requirements and 5.106 Equal access in accordance with the individuals gender identity in community planning and development programs

## CoC Program: 24 CFR 578.93 Fair Housing and Equal Opportunity

- ***Nondiscrimination and equal opportunity requirements.*** The nondiscrimination and equal opportunity requirements set forth in [24 CFR 5.105\(a\)](#) are applicable.

## ESG Program: 24 CFR 576.407 Other Federal Requirements

- ***General.*** The requirements in [24 CFR part 5, subpart A](#) are applicable, including the nondiscrimination and equal opportunity requirements at [24 CFR 5.105\(a\)](#) and the housing counseling requirements at [24 CFR 5.111](#). Section 3 of the Housing and Urban Development Act of 1968, [12 U.S.C. 1701u](#), and implementing regulations at [24 CFR part 75](#) apply, except that homeless individuals have priority over other Section 3 residents in accordance with [§ 576.405\(c\)](#).

City of Austin Code of Ordinances, Title 5. – Civil Rights, Chapter 5 – 1 Housing Discrimination



# Equal Access: Family

---

*Family includes, **but is not limited to**, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:*

1. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or,
2. A group of persons residing together, and such group includes, but is not limited to:
  1. A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
  2. An elderly family;
  3. A near-elderly family;
  4. A disabled family;
  5. A displaced family; and,
  6. The remaining member of a tenant family.



# What does this mean?

---

Any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, are considered to be a family and must be served together as such. Further, a recipient or subrecipient receiving funds under the ESG or CoC Programs *cannot discriminate against* a group of people presenting as a family based on the composition of the family (e.g., adults and children or just adults), the age of any member's family, the disability status of any members of the family, marital status, actual or perceived sexual orientation, or gender identity.

- FAQ1529



# EXAMPLE A

---

**An emergency shelter, transitional housing project, or permanent housing project that serves households with children.**

While it is acceptable for a shelter or housing program to limit assistance to households with children, it may not limit assistance to only women with children. Such a shelter must also serve the following family types, should they present, in order to be in compliance with the Equal Access rule:

- Single male head of household with minor child(ren); and
- Any household made up of two or more adults, regardless of sexual orientation, marital status, or gender identity, presenting with minor child(ren).

In this example, the emergency shelter or housing program would not be required to serve families composed of only adult members and could deny access to these types of families provided that all adult-only families are treated equally, regardless of sexual orientation, marital status, or gender identity.



# EXAMPLE B

---

**A permanent supportive housing project under the CoC Program rule that serves chronically homeless families.**

A permanent supportive housing program that serves families must serve all types of families and cannot discriminate against any family based on marital status, actual or perceived sexual orientation of the family members, or gender identities of the family members.

Therefore, if two adults present together as a family, the recipient or subrecipient must serve the two adults as a family and may not require proof of marriage and may not limit assistance to couples in a heterosexual relationship.



# Austin / Travis County Continuum of Care Anti-Discrimination Policy

---

This Anti-Discrimination Policy provides an overview of the requirements of providers for implementing the HUD requirements for Fair Housing and Equal Opportunity Regulations and the Final Equal Access Rule.

Agencies that have programs and services funded by the CoC and ESG must ensure that all their projects, including subrecipients and contractors, regardless of funding source, follow this Anti-Discrimination Policy.

[-Austin / Travis County Continuum of Care Anti - Discrimination Policy 9-9-2019](#)



# Housing Discrimination Complaints

---

Can be submitted by a person who believes they have experienced Discrimination in renting or buying a home, getting a mortgage, ***seeking housing assistance***, or engaging in other housing-related activities.

## **Complaint Process:**

1. Intake
2. Investigation
3. Conciliation or Voluntary Compliance
4. Legal Action



# Questions?

---

Please email question or concerns to [NOFO@austinecho.org](mailto:NOFO@austinecho.org)

**To file a discrimination complaint with HUD:**

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint)

**To learn more about the complaint process:**

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/complaint-process](https://www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process)

**To file a discrimination complaint with the City of Austin:**

<https://www.austintexas.gov/page/file-complaint-office-civil-rights>

