



MHI

*Manufactured
Housing Institute*

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Fair Housing Update

Cities and Counties Must Abide by Fair Housing Laws Too!

As the nation’s largest provider of non-subsidized affordable housing, manufactured home communities deal with fair housing issues on a daily basis.

From properly screening prospective tenants to considering requests for accommodations that allow emotional support animals, community owners and managers must consider the impact of the Fair Housing Act in nearly every interaction they have with their tenants.

But housing providers are not the only ones that must abide by the Fair Housing Act.

Cities and Counties must consider of how their ordinances and actions – especially land use planning laws – impact protected classes.

The Fair Housing Act makes it illegal to discriminate in any type of housing based upon race, color, religion, sex, national origin, disability or familial status. These groups are often referred to as “protected classes” of people.

Last year, the United States Supreme Court issued a ruling that cities and counties were legally responsible for making sure

their ordinances and enforcement actions did not have a discriminatory impact on “protected classes” of people.

The very first case filed after the Supreme Court decision involved a manufactured home community in Richmond, VA. The allegation was that the government was using selective enforcement of certain ordinances against a community that was largely occupied by minorities. The case ended up settling in favor of the community and its residents.

Since that decision, MHI has been tracking several cases where HUD has determined that a government ordinance or action was having a disparate impact on protected classes.

Additionally, MHI has been assisting several states in developing cases for HUD to consider.

If you believe residents of your MH community have been discriminated against by the ordinances or actions of a local government, contact your state association executive director. MHI will work with them to see if there is a basis for filing a complaint with HUD for fair housing discrimination.



HUD ANNOUNCES FAIR HOUSING AGREEMENT WITH WHITEHALL TOWNSHIP IN PENNSYLVANIA RESOLVING DISCRIMINATORY ZONING ALLEGATIONS

WASHINGTON - The U.S. Department of Housing and Urban Development (HUD) announced today that it has entered into a Conciliation/Voluntary Compliance Agreement resolving a complaint brought by complainant PathStone, a real estate development corporation based in Rochester, NY, against Whitehall Township and Whitehall Zoning Hearing Board, in Whitehall, Pennsylvania. The complaint alleged that Whitehall engaged in discriminatory zoning practices.

The Fair Housing Act prohibits discrimination in zoning and land use, including setting discriminatory terms and conditions and making housing unavailable, because of race, color, religion, sex, national origin, disability, or familial status. In addition, Title VI of the Civil Rights Act and Section 109 of the Housing and Community Development Act of 1974 require recipients of federal financial assistance not to discriminate and to conduct and administer housing programs in conformity with civil rights laws.

“Municipalities have the critical responsibility to approve housing in a manner that is fair, inclusive and accessible,” said Gustavo Velasquez, HUD Assistant Secretary for Fair Housing and Equal Opportunity. “We are pleased that this agreement has been reached and expect it to lead to greater housing opportunities for families interested in making Lehigh Valley home.”

The Agreement settles PathStone's allegations that Whitehall discriminated because of race, national origin, family status, and disability when it denied its request to construct affordable multifamily housing in the Township.

Under the agreement, which will be in place for five years, Whitehall will pay \$375,000 to PathStone. It will also, among other things, provide the necessary permits for the housing, actively promote the project on its website and in its quarterly newsletters.

In addition, Whitehall will review its zoning codes with the assistance of a fair housing consultant, provide fair housing training, and remove barriers to the development of affordable housing, so as to ensure compliance with fair housing laws.



For more information, questions, or to get copies of past Updates, contact MHI's General Counsel, Rick Robinson. at rrobinson@mfghome.org.

