



# FAIR HOUSING NEWS

Produced by the Fair Housing Center of West Michigan

Volume III — 2018

## Successful Lakeshore Friends of Fair Housing Event

### Bob Schwemm Speaks to Record Lakeshore Breakfast Crowd

The FHCWM and Lakeshore Advisory Board hosted a very successful 12th Annual Lakeshore Friends of Fair Housing Breakfast on Thursday, October 4, 2018 in Holland. The FHCWM received a record 167 registrations for this exciting event!

Lakeshore Advisory Board Member Ben VanderWoude (BVW Management) opened the breakfast with some important updates about fair housing trends and local cases. Lakeshore Advisory Board Member Dave Stellin (Lake Michigan Credit Union) presented this year's



*Linda Jacobs accepts her award*

Lakeshore Fair Housing Award to Linda Jacobs, the Executive Director of Good Samaritan Ministries. Ms. Jacobs has been a long-time partner of the FHCWM and an active advocate for equitable housing along the lakeshore.

The event featured a powerful and thought-provoking keynote speech from Bob Schwemm (the Ashland-Spears Distinguished Research Professor and Everett H.

Metcalf, Jr. Professor of Law at the University of Kentucky College of Law).



*Bob Schwemm addresses the crowd*

Mr. Schwemm discussed the events that led up to and followed the passage of the 1968 Fair Housing Act. He also shared his thoughts on where we are today in light of the Act's 50th Anniversary. FHCWM Executive Director Nancy Haynes closed the breakfast with comments about the importance of being a welcoming community for all not just for some.

This event was made possible by our generous sponsors as follows: Chemical Bank and the West Michigan Lakeshore Association of REALTORS (Patron Level) as well as ATA National Title Group, BVW Property Management, Fifth Third Bank, and West Michigan Community Bank (Supporting Level). This event is also supported by the City of Holland and the U.S. Department of Housing & Urban Development. Special thanks to our in-kind sponsors, CityFlats Hotel and Awards Pro. Your dedicated interest in furthering fair housing along the Lakeshore is truly appreciated!

### FHCWM Partners with The Diatribe on Exciting New Program for High Schools

The FHCWM is very pleased to have received funding from an anonymous donor for an exciting program the FHCWM has developed in partnership with fellow non-profit, The Diatribe. This program will engage all three 12th grade classes at Ottawa Hills High School in "Writing to Right Wrongs", an interactive, fair housing and social justice-themed program designed to enrich students' and their families' understanding of equal housing opportunity and civil rights. The program, led by Rachel Gleason and Marcel "Fable" Price (also Grand Rapids' Poet Laureate) with the help of FHCWM staff, focuses on illustrating the impact of *where* one lives has on *how* one lives. The curriculum includes interactive presentations, simulation experiences, and live slam poetry performances by the artists as well as the students. The poetry and creative components provide students with the opportunity to create their own art and share their voice, as well as further their speaking and writing skill sets.

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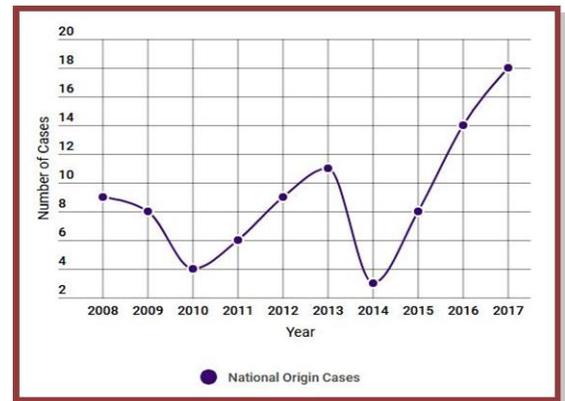
## FHCWM News

The FHCWM bids a very fond farewell to **Madelaine Clapp**, our Education & Outreach Coordinator. Ms. Clapp previously interned with the FHCWM for two semesters through GVSU before joining the staff full-time in June of 2015. Ms. Clapp has relocated to Lansing. We wish her all the best and are so thankful for all of the exciting changes she brought and the hard work she did for us at the FHCWM! Thank you, Madelaine!!

## FHCWM Celebrates 50th Anniversary of Fair Housing Act

The FHCWM has been busy celebrating the Fair Housing Act all year with special events and a social media campaign that kicked off in January. The FHCWM Facebook page shared book and movie suggestions, highlighted efforts of our partners, shared case data and trends, and links to articles and websites with further fair housing information. Here is a sampling of what can be found on our Facebook page!

- ◆ The National Fair Housing Alliance's #FHAct50 Campaign, including interactive timeline to explore the passage of the Fair Housing Act: <http://fhact50.org/history/>
- ◆ Throughout 2017, refusal to make a reasonable accommodation or reasonable modification based on a disability-related need continued to be the most frequent allegation that the FHCWM received from individual clients. Of the 62 allegations received on the basis of disability, 44 (or 71%) of those allegations involved refusal to make reasonable accommodations or modifications.
- ◆ In 2017, the FHCWM received 18 allegations of discrimination on the basis of national origin. Since 2008, the FHCWM has seen an increase of national origin cases (see chart). Some of the allegations involved: not being allowed to have a traditional lease due to the residency status of an occupant, being charged additional expenses by the housing provider due to their Muslim origin, refusing to rent due to a traditionally Latino last name, refusing to sell a mobile home to someone of a different national origin than the park owner, and ignoring maintenance requests due to the tenant's national origin and limited English proficiency.
- ◆ We recommend the following great reads: [Arc of Justice A Saga Of Race, Civil Rights, And Murder In The Jazz Age](#) by Kevin Boyle and [To Kill A Mockingbird](#) by Harper Lee; as well as a powerful movie, Selma.
- ◆ We encourage you to visit the pages of our partners who assist people with disabilities through a variety of services and programs: Disability Advocates of Kent County, Disability Network/Lakeshore, Disability Network West Michigan, and Disability Network/Northern Michigan. Find your local disability network through the Disability Network/Michigan directory: [www.dnmichigan.org/cil-directory/](http://www.dnmichigan.org/cil-directory/).





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**Housing discrimination based on your gender could sound like this:**

- "You'll have to end your maternity leave and return to work before we can process your loan application"
- "You don't look like a woman"
- "If you go out with me, I'll lower your rent payment/repair the leak in the bathroom"

You can report discrimination anonymously. Contact the Fair Housing Center to learn more.



Fair Housing Center of West Michigan  
616-451-2980  
[www.fhcwm.org](http://www.fhcwm.org)

Fair Housing.  
It's Your Right. Use It.



*Protected classes under law include race, color, national origin, religion, family status, marital status, gender, age and disability.*

# ...Fair Housing Center Notes & News...

## **Fair Housing and Criminal Background Screening**

The Fair Housing Act prohibits housing discrimination and housing practices that have an unjustified discriminatory effect on a protected class. Because of widespread racial and ethnic disparities in the U.S. criminal justice system, criminal history-based restrictions pertaining to housing are likely to disproportionately burden African Americans, Latinos, and others. While the Act does not prohibit housing providers from appropriately considering criminal history information when making housing decisions, the use of arbitrary and overbroad criminal history-related restrictions or bans are likely to lack a legally sufficient justification and therefore could be challenged as discriminatory.

### **Why should a housing provider evaluate their screening policy with a fair housing lens?**

A violation of the Act can occur if a housing provider treats individuals with comparable criminal histories differently because of any protected class. For example, a housing provider cannot reject a qualified Latino applicant due to their criminal record but accept a similarly qualified White applicant with a comparable criminal record. Even a criminal background screening policy that appears to be neutral on its face and is applied to all equally can violate the Act if it has a discriminatory effect and is not based on a legally sufficient justification.

### **What should be considered in a criminal background screening or policy?**

- A housing provider must treat all applicants equally regardless of race, national origin, gender, etc.
- Criminal history policies must accurately distinguish between criminal conduct that indicates a *demonstrable risk to resident safety and/or property* and criminal conduct that does not.
- A housing provider must be able to prove through reliable evidence that its policy actually assists in protecting resident safety and/or property and is not simply based on generalizations or stereotypes about criminal records.
- A policy should take into account the nature and severity of an individual's conviction.
- A policy should consider the amount of time that has passed since the criminal conduct occurred.

### **What should NOT be considered in a criminal background screening or policy?**

- Do not use arrests without convictions as a screening tool. A housing provider who denies persons on the basis of arrests not resulting in conviction cannot prove that the denial actually assists in protecting resident safety and/or property.
- Do not use blanket bans/prohibitions. Blanket bans will be unable to show that the policy is necessary to achieve a substantial, legitimate, nondiscriminatory interest. Circumstances will need to be evaluated on a case-by-case basis.
- There is no liability to excluding persons with convictions of illegal drug manufacturing or distribution of a controlled substance; this does not include drug possession or arrest.

### **FAIR HOUSING BEST PRACTICES IN CRIMINAL BACKGROUND SCREENING**

- Include statement of **purpose served** by screening policy.
- **Remove any references** to or use of arrest records, any blanket bans or prohibitions, any overly broad categories of criminal activities or vague statements.
- Postpone accessing criminal history report until after the credit report, identity authentication, income and rental qualifications have been met.
- **Update screening practices or services** to use convictions; do not use systems that only provide arrest records.
- Illustrate connection of resident selection criteria to demonstrable risk to resident safety and/or property.
- Conduct individual assessments keeping in mind the aforementioned circumstances.
- Allow applicants or residents an **opportunity to present mitigating circumstances** before an adverse action against them.
- Add/use reasonable time frames for qualifying criteria (also known as lookback periods).
- Communicate all changes with all staff and residents.
- **The policies and subsequent procedures should be applied equally** to all persons regardless of race, sex, disability status, etc., and all persons should consistently receive the same quality of treatment.

### **Resources:**

- "Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Housing and Real Estate-Related Transactions, [www.fhcwm.org/publications](http://www.fhcwm.org/publications)
- FHCWM Fact Sheet on Fair Housing & Criminal Background Screening in Housing Transactions

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*Please visit our web site: [www.fhcwm.org](http://www.fhcwm.org)*

# ...Fair Housing Center News & Events...



## Save The Date!

The FHCWM invites you to mark your calendar for **Thursday, April 25, 2019** for our 32nd Annual Fair Housing Luncheon & Workshop Series! This event will feature **Lisa Rice**, President & CEO of the National Fair Housing Alliance, as the luncheon keynote speaker. Once again we will provide a variety of morning workshops. The event will be held at the Amway Grand Plaza Hotel in Grand Rapids. If you are interested in sponsoring, please contact Liz Keegan at (616) 451-2980.

## Follow Us on Facebook!

Did you know? The FHCWM is posting information weekly on Facebook as we continue to celebrate the 50th Anniversary of the Fair Housing Act. Posts include case data on specific trends and/or protected classes; client stories and photos; book and movie recommendations; infographics, PSAs and much more. Please follow our Facebook page: <https://www.facebook.com/fhcwm>.



## Fair Housing Trainings

The Fair Housing Center offers fair housing trainings, including Fair Housing & Advertising, Fair Housing Training for Rental Professionals and Fair Lending sessions. Costs vary depending on the type of training. Each training is 3 hours and includes a comprehensive packet of reference materials.

Some sessions are held at the Fair Housing Center; we can also come to your location. Call Liz Keegan at (616) 451-2980 to learn more or register. **Check our website home page for upcoming dates: [www.fhcwm.org](http://www.fhcwm.org).**

The Fair Housing Center hosts **tester trainings** each month. Testers are volunteers that play the role of a homeseeker and receive a stipend in return for their time and services. In order to accommodate differing schedules, one training will take place during business hours while the other will be held in the evening. For the specific training dates, to register, or any other questions contact Gabe Chapla at (616) 451-2980.

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