Fair Housing & Communities Against Hate

July 25, 2017
2:00 PM EST
Panelists

• **Lisa Rice**, Executive Vice President, National Fair Housing Alliance

• **Morgan Williams**, General Counsel, National Fair Housing Alliance

• **Anjali Thakur-Mittal**, Director, Communities Against Hate Initiative, The Leadership Conference on Civil and Human Rights/The Leadership Conference Education Fund

• **Becky Monroe**, Director, Stop Hate Project, Lawyers’ Committee for Civil Rights Under Law
Hate Crime Location

- 32% of reported hate crimes occurred at homes. (Source: FBI Hate Crime Statistics.)
- #1 location for reported hate crimes for the last ten years has occurred at homes. (Source: FBI Hate Crime Statistics.)
- 1,863 reported hate incidents between November 9 and March 31. (Source: New York Times)
Poll #1

What type of organization do you work for?
Poll #2

Have you received any recent complaints related to hate?
NFHA’s Communities Against Hate Work

- Report hate incidents here
• What is housing-related hate activity?
• Criminal and civil charges
• HUD’s harassment rule, 3rd party liability
• What is a hate crime?
• What constitutes housing-related hate activity?
“It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section.”
(1) Member of a protected class;
(2) Engaged in the exercise or enjoyment of her fair housing rights;
(3) Defendants were motivated in part by an intent to discriminate, or their conduct produced a disparate impact; and,
(4) Defendants coerced, threatened, intimidated, or interfered with Plaintiff on account of her protected activity under the FHA.
Examples – § 3617 Enforcement

• Cross-burning in someone’s front yard.
• Throwing water and yard clippings on the cars of the plaintiffs’ guests and calling plaintiffs “dirty Indians” and telling them to go back where they came from.
• Blocking driveway, taking photographs of license plates and visitors and complaining to government officials.
General Principles

• Does not always require showing of violence
• Intent can be establish by direct or circumstantial evidence or can be inferred from the actions of the defendant
• State laws may provide enhanced damages or penalties
• Note 3604(c) discriminatory statement, apply to oral and written statements and without exemptions regarding single family house or Mrs. Murphy-related matters
1st Amendment Concerns

• Expression designed to intimidate is not protected by the First Amendment.
• Hate speech directed at individuals in their homes less worthy of First Amendment protection.
42 U.S.C. § 3631

• “Whoever ... by force or threat of force willfully injures [sic], intimidates or interferes with, or attempts to injure, intimidate or interfere with--any person because of his race, color, religion, sex, handicap ... familial status ... or national origin and because he is [engaged in] the sale, purchase, rental financing of occupation of any dwelling...”[shall be guilty of an offense against the United States].
Elements

• Used force or threat of force.
• Injured, intimidated or interfered with, or attempted to injure, intimidate or interfere with the victims' right to transact for and occupy a dwelling.
• Acted as he did on account of the [race] of one or more of the victims and because one or more of the victims were transacting for or occupying a dwelling.
Penalties under 3631(c):

- “[S]hall be fined not more than $1,000, or imprisoned not more than one year, or both; and
- “[I]f bodily injury results shall be fined not more than $10,000, or imprisoned not more than ten years, or both; and
- “[I]f death results shall be subject to imprisonment for any term of years or for life.”
Getting to Federal Court

• Victim reports incident to local police / F.B.I. investigation
• Local police refer matter or request assistance from federal authorities
• F.B.I. refers the case to United States Attorney’s Office for prosecution
• United States Attorney decides whether to
  • Defer to State Prosecutor,
  • Decline the matter based on insufficiency of the evidence, or
  • Seek indictment by a federal grand jury
Examples – § 3631 Enforcement

• Firing gun into black family's home.

• Ku Klux Klan members beat residents in their home because of recent interracial dating.

• Interference with adoption agency placement of African-American children in homes.
• HUD Harassment Rule – confirms two theories of liability:
  
  • Vicarious liability $\rightarrow$ goes up the chain
  • Direct liability $\rightarrow$
    Includes failure to respond to neighbor-on-neighbor harassment
Why is this important?

• Housing discrimination acts go undetected and unreported
• Fair housing laws are a powerful alternative to seek justice
• Monetary and injunctive relief, and even prison time
Poll #3

• Are you part of any local initiatives to address hate activity?
Communities Against Hate initiative: overview, partners, and the web site/database

Anjali Thakur-Mittal | Deputy Director for Field Operations & Director of Communities Against Hate Initiative | The Leadership Conference Education Fund
Communities Against Hate is a diverse coalition coming together for the first time across communities to document hate and demand action.

I experienced hate, or saw it happen

Need help?

Tell your story here

Access resources here

© 2017 Communities Against Hate
Partners

Communities Against Hate is a diverse coalition coming together for the first time across communities to document hate and demand action.
Communities Against Hate: Statement of Principles

Through the Communities Against Hate Initiative, we will be documenting hate incidents, providing a powerful tool to combat the commission of hate crimes and hate violence in America. We aim to:

✓ Protect the rights of communities that are most vulnerable;

✓ Connect victims of hate incidents to services while also protecting their privacy;

✓ Using data collection of hate incidents as a tool to drive services and policy change, raise awareness, and educate the public on the many manifestations of hate as well as the importance of the interwoven fabric of American society;

✓ Lift the stories of survivors (as appropriate and with their approval) in order to change the current narrative that is normalizing hate; and

✓ Support and promote a restorative justice approach to addressing incidents of hate.
Tell us what happened

Every year, the FBI releases a report on hate crimes in America. It grossly underrepresents incidents of violence, threats, and bullying across America. By sharing what you experienced or witnessed, you can educate the public, empower others, show service providers where help is needed, and strengthen our advocacy.

Your story is yours—and we will not share any of your personal information outside our coalition. Thank you for your courage in coming forward.

Describe in detail what happened*

Date of the incident

Month  Day  Year

Where did it occur? (check all that apply)*

- Public Transportation
- On the street
- School

0% complete
Date of the incident

Month  Day  Year

Where did it occur? (check all that apply)*

- Public Transportation
- On the street
- School
- University
- Business
- Online
- Place of worship
- Private Residence
- Other

What city did it happen in?

City
State

Were the police called?*

- Yes
- No
How would you describe the motivation behind the incident? (check all that apply)*

- Anti-Black/African-American
- Anti-Latino/Hispanic
- Anti-South Asian
- Anti-Asian
- Anti-Arab/Middle Eastern
- Anti-Native American
- Anti-Lesbian, Gay, or Bisexual
- Anti-Transgender, Gender-Nonconforming (TGNC), Non-Binary, Gender Queer
- Anti-Woman
- Anti-Semitic
- Anti-Sikh
- Anti-Muslim
- Anti-Immigrant
- Anti-Disability
- Other

May we contact you with resources to combat hate?*

- Yes
- No
What is your name?

What is your email address?

What is your phone number?

Would you like to make this report public?*

☐ Yes
☐ No

The city of the incident and your personal information will never be made public.

By clicking "Submit Report" below, you agree to be bound by the terms and conditions of the Terms and Conditions and Privacy Policy.

Submit Report

© 2017 Communities Against Hate
Stories

Undisclosed
Occurred on July 28, 2017

Location of Incident:
Business

Undisclosed
Occurred on July 10, 2017

Location of Incident:
On the street, Business

Description:
Propositioned with a ten dollar bill

Undisclosed
Occurred on July 9, 2017

Location of Incident:
On the street, Business

Description:
Up-skirt Photo

Undisclosed
Occurred on July 6, 2017

Displaying 624 results
Filter by
- All Types of Incidents
- All Locations of Incidents
- All States
Displaying 624 results

Filter by
- All Types of Incidents
- All Locations of Incidents
  - All Locations
    - Public Transportation
    - On the street
    - School
    - University
    - Business
    - Online
    - Place of worship
    - Private Residence
    - Other
- All States

Stories

Undisclosed
Occurred on July 28, 2017
- Anti-Immigrant

Location of Incident:
Business

Undisclosed
Occurred on July 10, 2017
- Anti-Woman

Location of Incident:
On the street, Business

Description:
Propositioned with a ten dollar bill

Undisclosed
Occurred on July 9, 2017
- Anti-Woman

Location of Incident:
On the street, Business

Description:
Up-skirt Photo

Undisclosed
Occurred on July 6, 2017
- Anti-Woman
Resources

The Communities Against Hate initiative is helping to connect people and organizations affected by hate incidents with legal resources and social services, through the Lawyers’ Committee for Civil Rights Under Law. Those seeking help can call our hotline (1-844-9-NO-HATE) to speak with someone who will connect you with the resources and services that meet your needs. Below are examples of the kinds of resources and services available. Additional information and resources are available on the Lawyers’ Committee’s website.

Legal Services
Survivor Assistance
Medical Services/Mental Health Counseling
Community Organizations
Communities Against Hate es una coalición que se une por primera vez para documentar el odio y exigir acción.

He sido víctima del odio o lo he presenciado

¿Necesita ayuda?

Cuide su historia aquí

Acceda a los recursos aquí
www.CommunitiesAgainstHate.Org
Listening and responding to the needs identified by people in communities across the country.
The Lawyers’ Committee for Civil Rights Under Law
Communities Against Hate, Stop Hate Project:

- Community organizations, who work tirelessly to serve individuals in need, are at the core of this program.
- **The Lawyers’ Committee for Civil Rights Under Law** aims to serve as a resource to you, to create resources you request, to amplify your important work and provide support based on your expressed needs, as well as the needs of the communities that you serve.
- We also serve the needs of individuals who confront hate or witness hate, and need support or want to take action.
National Stop Hate Hotline:

1-844-9-NO HATE (1-844-966-2483) is a national hotline that serves individuals and organizations that experience hate.

➢ We support individuals who have suffered hate incidents and community organizations combating hate by connecting them with legal resources, local service organizations, and, in appropriate cases, access to counsel.
➢ Individuals and organizations can reach by either calling the hotline number or by submitting their experiences on the online platform at https://communitiesagainsthate.org/report
➢ Resources are also available on www.8449nohate.org
National Stop Hate Hotline: PROCESS:

Report Received.
- Web Submission
- Hotline call
- Pro-Active Outreach

Intake call is conducted.
- If reporter did not rule out follow up, they receive a call from the Stop Hate Project.
- Intake interview is conducted to assess possible resources the Stop Hate Project could provide.

Internal Review Period and Response.
- The necessary research is conducted, including:
  - A review of relevant laws
  - Review of existing social resources,
  - Law enforcement and local government response
- A follow up call is conducted with the individual to provide the resources.

Activating the Network.
- If a legal response is appropriate, or legal research is necessary, partners like NFHA members or pro bono counsel is contacted.
- Depending on capacity, partners handle or Stop Hate Project staff work with partners or pro bono counsel to discuss and implement possible legal responses.
National Stop Hate Hotline: 
Examples of Resources Provided

- Template letters to ensure undocumented students are being admitted to school
- Support for callers interested in reaching out to and working with law enforcement to increase awareness and response to hate
- Connecting callers with local legal and social service organizations
- Trauma informed resources and best practices
- Connecting callers to bystander intervention trainings with our national partners, such as Hollaback!
- Resource toolkits on how to address the presence of hate groups in communities
- Legal research for advocates in advance of protests and actions
National Stop Hate Hotline:  
Examples of Resources Provided

- Legal and community trainings—for example, the Lawyers’ Committee will have upcoming CLE trainings in Houston and North Carolina
- TA for organizations setting up hate crimes task forces
- State specific hate crime statute summaries
- Resources for students and administrators combatting hate on college campuses
- Targeted information and resources for students who have experienced hate on their campuses, including door hangers and palm cards with steps and best practices for reaching out in the direct aftermath of hate
- Template letters for community members to use to contact their local officials about hate in their community, specifically if there has been hate group activity in the area such as KKK rallies or leafleting
Examples from the National Stop Hate Hotline:
Contact Information

General Inquiries:  NoHate@Lawyerscommittee.org
Becky Monroe:  Bmonroe@lawyerscommittee.org
Nadia Aziz:  Naziz@lawyerscommittee.org

Follow us on Social Media:
Twitter:  @StopHateProj; @LawyersComm
Facebook:  @StopHateProj; @LawyersComm
NFHA’s Communities Against Hate Work

- Report hate incidents here

http://nationalfairhousing.org/report-hate/