

Housing-Related Hate Activity

National Fair Housing Alliance



Agenda

- Fair Housing Act's prohibition against housing-related hate activity
- Responding to housing-related hate activity
 - Forming a response network
 - Rapid response protocols

Fair Housing Act

- Title VIII of Civil Rights Act of 1968
- Prohibits discrimination in housing-related transactions because of:
 - Race
 - Color
 - Religion
 - National origin
 - Sex
 - Disability
 - Familial status (children under age 18 in household)

Housing Discrimination

- Any attempt to prohibit or limit free and fair housing choice because of a protected class
- Applies to all housing-related transactions
 - Rentals
 - Real estate sales
 - Mortgage lending
 - Appraisals
 - Homeowners insurance
 - Zoning

Housing-Related Hate Activity

- Unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of fair housing rights, such as:
 - Renting or buying a house
 - Reasonable accommodations/modifications
 - Filing a fair housing complaint
- Unlawful to retaliate against someone for exercising fair housing rights
 - Or for helping another person exercise fair housing rights
- 42 U.S.C. § 3617

HUD Regulation

- 24 C.F.R. § 100.400
- Unlawful to:
 - Threaten, intimidate, or interfere with persons in their enjoyment of a dwelling because of their protected class or the protected class of visitors/associates
 - Intimidate or threaten any person because that person is engaging in activities designed to make other persons aware of, or encouraging such other persons to exercise, fair housing rights
 - Retaliate against any person because that person has made a complaint, testified, assisted, or participated in any manner in a proceeding under the Fair Housing Act.

Fair Housing Complaints

- Plaintiffs can file a fair housing complaint with HUD (within 1 year of the alleged violation) or in state or federal court (within 2 years of the alleged violation)
- Defendants may include housing providers and neighbors
 - Owners, managers, and condo associations may be liable for neighbor-on-neighbor harassment for failing to intervene when they have a duty to do so
- Criminal penalties can include fines and prison (separate violation under 42 U.S.C. § 3631)

Hate Crimes Statutes

- In addition to the Fair Housing Act, state and federal hate crimes laws impose enhanced penalties for crimes in which a victim is targeted because of protected characteristics
- May include assault, homicide, arson, criminal threats, or vandalism

Hate Activity in the United States

- 784 active hate groups in U.S. in 2015
 - California had 72, the highest number in any state
 - Neo-Nazi ideology most prevalent
 - (Southern Poverty Law Center)
- 6,000 bias incidents reported in 2013
 - 48.5 percent were racially motivated
 - (FBI Hate Crimes Statistics Report)

Residential Segregation

- As overall diversity increases, neighborhoods remain segregated
- Whites still live in mostly white communities
 - 2011 Brown University study
 - Average white household lives in a neighborhood in which 75 percent of households are white
- Segregation can be a factor in hate activity

Recognizing Hate Activity

- Use of bias-motivated language, epithets, or slurs by the perpetrator
- Victim and witness perceptions that they have been targeted because of protected class
- Pattern of similar incidents in neighborhood
- Local activity of an organized hate group
- Timing of crime with a specific holiday or date of particular significance
- Absence of any other motive

Examples of Hate Activity

- Cross burnings
- Attempted car bombing
- Slurs
- Blocking victim's driveway so the family could not enter/exit
- Taking photographs of plaintiff's license plate; photographing and video recording plaintiffs and their guests as a form of harassment
- Throwing a Molotov cocktail at plaintiff's house
- Threatening phone calls to a landlord who showed an apartment to an African American family
- Displaying a Confederate flag when an African American family moved in next door

Responding to Hate

- Preparing NOW can help the community respond quickly and effectively when hate activity occurs
- Form a local “rapid response” network

Step 1: Identify Partners

- Identify who in your community is actively involved in hate crime awareness and prevention
 - There may be existing hate crime task force
- Form committee to lead development of community response network
 - Law enforcement
 - Victim services providers
 - Fair housing center
 - Local civil rights organizations.

Step 2: Develop a Network

- Religious leaders and institutions (interfaith and interdenominational)
- Media outlets
- Local civil rights and anti-hate organizations
- School representatives
- Representatives from the local real estate association or board
- Local businesses

Step 3: Identify Community Needs

- Past incidents of housing-related hate
- Diversity and segregation
- Complaints of housing discrimination
- New groups of people moving in
- Media reports of hate activity
- Bullying in schools
- Bias-motivated graffiti or literature

Step 4: Identify Your Assets

- Local organizations who already respond to hate or violence
- Youth programs
- Opportunities for religious exchange
- Conflict resolution workshops
- Public service announcements
- Diversity curricula in local schools
- Social justice programs in religious institutions

Step 5: Define Network's Role

- Compiling and disseminating resources
- Advising police or acting as “watchdog”
- Training service providers
- Educating public officials
- Providing direct services to victims and families

Step 6: Define Member Roles

Specific roles for all network members

- Neighborhood residents & community groups
- Police and criminal justice system
- Fair housing center
- Victim services providers
- Offender rehabilitation services
- Religious institutions
- Educational institutions
- Businesses
- Media

Three Golden Rules

- Always collaborate with law enforcement
- Always interact with existing structure or protocol for hate crime response
- Always focus on victim healing and reconciliation

The Response Protocol

- After establishing the network, you should formalize the response protocol
- Many instances of housing-related hate activity never rise to the level of a hate crime or are not prosecuted as hate crimes
- Fair housing advocates have a special role to play

Response Step 1: Choose Network Coordinators

- Three groups should coordinate the response network:
 - Local police
 - Victim service providers
 - Local fair housing organization
- Avoid “reinventing the wheel”

Response Step 2: Choose Response Coordinators

- Designate two or three response coordinators as central points of contact
- Provide names, telephone numbers, and email addresses
- Designate a backup coordinator in case of an emergency

Response Step 3: Create a Response Checklist

- Craft a protocol to follow when housing-related hate activity occurs in your community
- Clear role for each network member
 - Police
 - Victim service providers
 - Fair housing advocates
 - Neighbors
 - Religious organizations
 - Schools
 - Community organizations
 - Business professionals

Response Step 4: Initial Point of Communication

- Protocol needs a communication mechanism to identify problems and alert network members
- Initial point of contact for most housing-related hate activity will likely be a 911 call
- Establish a good relationship with the local police department and offer viable resources to complement what the department is already doing in the area of hate prevention and response

Response Step 5: Establish the Protocol

- The police contact a network coordinator about a housing-related hate crime or activity as soon as possible after its occurrence
- Response coordinators discuss appropriate action and convene a response team composed of a few network members
- Designated response team determines exactly what has occurred and the immediate needs of both the victim and the community
- The response team addresses immediate victim needs
- The response team reports back to the network coordinators
- The network coordinators convene a full meeting of the response network to fill out the Rapid Response Checklist and assess what intermediate and long-term plans are necessary
- Next steps will most likely include victim care, assistance with the filing of a legal or administrative complaint, public communication and reconciliation, and media outreach

Response Step 6: Continually Improve Protocol

- The response network can continually improve its protocol by evaluating its effectiveness using the Rapid Response Checklist as a guideline.

Victim Care and Assistance

- The network should advise victims to:
 - Call 911
 - Seek immediate medical care if victim is injured
 - Report the incident immediately to the police
 - Report the incident to the fair housing center
 - Prepare a personal narrative account of the incident
 - Seek the assistance of a counselor, fair housing advocate, clergy member or caring neighbor to pursue a complaint, file insurance claims, and handle other logistics
 - Seek a safe haven during the turmoil
 - Seek and accept the kindness and support of neighbors and friends

Victim Care and Assistance

- The network should help coordinate community, political, and police support for the victim(s)
- The network should coordinate community responses in denouncing the hate activities
- Victims of hate activity may feel:
 - Isolation
 - Shock
 - Fear and vulnerability
 - Anger
- Victims may resist reporting the incident or speaking with the police, social workers, or others who are there to assist them
- All members of response network should be educated on victim trauma and care

Understanding Victim Trauma

- The basis for housing- related hate activity is the victim's identity
- Victims may experience:
 - Increased vulnerability to repeat attack
 - Anger/desire for revenge
 - Acute shock and disbelief
 - Sense of
 - Shame and humiliation
 - Extreme fear of certain groups
 - Hopelessness
 - Difficulty sleeping

Reluctance to Report

- Fear of retaliation
- Fear of having privacy compromised
- Mistrust of law enforcement
- Cultural or language barriers
- Fear of jeopardizing immigration status
- Fear of losing housing
- For LGBT persons, fear of being “outed” to family, employers, or others in the community
- Fear of repercussions at work

Victim Care – Suggestions for Response Network

- Provide immediate safety and assurance
- Be present at the scene of the incident
- Accompany the victim in the days following the incident
 - Caring neighbor
 - Religious leader
 - Fair housing center staff member
- Locate alternative housing if necessary
- Follow-up care
 - Insurance claims
 - counseling

Victim Care – Suggestions for Law Enforcement

- Ask victims how they want you to help them
- Request the assistance of translators when needed
- Let victims defer answering questions if they are too distraught
- Ask them if they have any idea why this happened to them
- Reassure victims that they are not to blame
- Voice support of actions victims took to protect themselves
- Encourage victims to tell story in their own words
- Ask them to recall the exact words of the perpetrator
- Ask victims if they have family members or friends who can help
- Reassure victims that every effort will be made to protect anonymity
- Tell victim about sequence of events in the investigation
- Provide information about resources available

Victim Care – Suggestions for Law Enforcement

Law enforcement personnel should avoid:

- Being abrupt or rushed
- Telling victim(s) you know how they feel unless you've been through it yourself
- Asking victim(s) whether they think this was a bias or hate crime
- Criticizing the victim's behavior
- Making assumptions about the victim's culture, religion, sexual orientation, or lifestyle choices
- Allowing personal value judgments about the victim's behavior, lifestyle, or culture to affect your objectivity
- Using stereotyped or biased terms
- Minimizing the seriousness of the incident

Victim Care – Suggestions for Neighbors

- Small acts of kindness
 - Phone call, letter, visits, flowers
- Show victims they are welcome
 - Invite them to dinner
- Help out
 - Offer to help paint over graffiti or clean up the yard
- Volunteer to speak out against hate activity
 - Print, radio, television, or social media

Victim Care – Suggestions for Religious Leaders

- Provide 24-hour volunteer telephone contacts
- Coordinate a response network hotline
- Include victim services information in bulletins
- Make meeting space available to service providers
- Prepare and deliver anti-hate sermons, educating congregations about fair housing and housing-related hate activity
- Promote interfaith dialogue and religious interchange among community residents

Victim Assistance – Counseling

- Most victims will have high levels of fear, anxiety, and generalized distress
- Long-term trauma may include posttraumatic stress
- Hate activity causes emotional trauma for children as well as adults.
- The network should arrange for a social worker or counselor to help comfort, evaluate, and assist victims
 - Because hate activity violates a victim's home, or safe haven, it is important for friends and neighbors to help victims feel safe and wanted in the community.

Victim Assistance – Conflict Resolution & Mediation

- Hate activity may have a negative effect on the entire neighborhood and exacerbate other tensions
- A counselor, mediator, or conflict resolution professional should be available to resolve disputes that arise among neighbors following a housing-related hate incident.

Follow-up Care

- A counselor or caseworker should follow up with victims at various intervals.
 - Next day
 - Next week
 - Monthly follow-up should be planned for a three-month period and longer if necessary.
- School counselors, clergy, and other community leaders should also check in with their students, congregants, and constituents to see how they are coping with the incident.

Legal Recourse

- Secure legal representation to assist the victims in filing complaints or lawsuits as appropriate
- Ensure that law enforcement and the judiciary understand the Fair Housing Act's prohibition against housing-related hate activity
 - Local fair housing organization or civil rights/human relations commission should offer training

Claims Assistance

- Assist victims in filing insurance paperwork to make claims with the perpetrator's insurance company
- Homeowners insurance companies should cover the cost for damage to the victim's property.
- Victim's compensations program in every state

Other Services

- The network should assist with housing repairs and relocation services
 - Victims may be temporarily forced out of their home
 - Some families may decide to move out of the neighborhood
 - The network should respect the victims' decision and offer assistance in their relocation efforts, including securing new housing
- Assistance with transportation to get to and from lawyers' offices, court, or other social service agencies
- Childcare services

Victim Remediation

- Local businesses can help with property repairs
 - Hardware and home improvement stores
 - Home-repair service contractors
 - Building contractors
 - Alarm companies
 - Insurance companies
 - Real estate companies
 - Lending institutions

For More Information

- Additional resources are available at <http://fhic.nfhta.org/>.