



FAIR HOUSING FOR ALL

VOLUME 1, ISSUE 1 FALL QUARTER 2006

THE HOWARD UNIVERSITY SCHOOL OF LAW FAIR HOUSING CLINIC

Howard University School of Law's Fair Housing Clinical Program is poised to serve as a national model for comprehensive clinical education programs. The Law School received a substantial grant from the U.S. Department of Housing and Urban Development to design, organize and operate a fair housing legal-clinical program and to develop fair housing legal curricula that will train and educate law students and lawyers about fair housing rights and obligations. Howard Law's new Fair Housing Clinical Program will be a model that can be replicated at any law school in the country, and will offer innovative and cutting-edge academic programming, including expanded course work in housing and civil rights and a clinical program open to second and third year law students that will train future fair housing lawyers and allow them to work on real life cases while still in school. Students will be involved in every aspect of the Program, including its training and education programs.



Fair housing. It's not an option. It's the Law!

Commitment

The Howard University School of Law fair Housing Clinic is committed to aggressive, proactive advocacy and community empowerment by serving as a legal clinic on fair housing issues and as a housing rights resource center. Our primary focus is fair housing enforcement and community education, but the clinic is concerned with housing issues in general and will attempt to, at all times serve the community with innovative and broad based solutions to everyday housing problems. Community residents will be able to rely on the Clinic

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YOUR RIGHTS AS A TENANT

As long as you fulfill your legal duties and the requirements of your rental agreement, you have the right to exclusive possession of property you rent or lease for the term of the rental agreement. However, even as you exercise your basic right to privacy, your landlord may retain in the lease a right to inspect your dwelling at reasonable times and in a reasonable manner.

If your landlord does not live up to his or her duties as set by law and the terms of the rental agreement, you have the right to:

- Complain to him or her;
- Complain to appropriate government agencies, such as your local building and health

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WELCOME TO THE FIRST EDITION OF FAIR HOUSING FOR ALL

The Howard University School of Law's Fair Housing Clinical Program proudly announces the launching of our NEW fair housing clearinghouse website, www.howardfairhousing.org. The website will be a one stop information depot for all matters concerning fair housing. Attorneys, law students, landlords, tenants, home owners and buyers, housing professionals, realtors and community members in general will find numerous housing topics and case law of interest.



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to educate themselves on fair housing matters and basic housing law and rights, seek counsel when rights have been violated, learn how to react to housing problems and fair housing violations, and bring their new-found knowledge back into their community.

Advocacy and Partnership

The Clinic allows students to expand their knowledge of the fair housing laws while enhancing their advocacy and trial skills with client contact. Drawing on its unique partnership with the Department of Housing and Urban Development as well as other private and public organizations committed to eliminating discriminatory housing practices, the Fair Housing Clinic shares knowledge and resources. The partnerships with these organizations serve as a means for the Clinic and the students to stay aware of the diverse needs of the community and fair housing trends. The Clinic seeks at all times to be a community resource dedicated to assisting individuals with their housing problems and to be a model for other colleges and universities to replicate and emulate well into the future.

Continuing the Legacy...

Relevancy of any social movement or human rights issue is measured and scrutinized over time by impact of the collective, conviction of conscience, and ability of leadership to place the needs of the people over personal loss. Fair Housing, though under the umbrella of

Civil Rights, is swiftly expanding to envelope issues such as eminent domain, inclusionary zoning, predatory lending, environmental justice and domestic violence. Who and where are the social change engineers of today and tomorrow fit for the challenge?

The natural disaster of 2005 that we called "Katrina" has positioned the United States in a human rights posture not seen since *Brown vs. The Board of Education* and the civil rights movement. Thousands of Gulf Coast residents have been displaced, made homeless, and in dire straits are in need of advocacy, stability and resolve. The brokering of land for personal gain has supplanted the needs of the people.

The Fair Housing Clinical Program at Howard Law under the framework of continuing the legacy of civil rights for all people is preparing students to meet the housing challenges of today through education, outreach, litigation, advocacy and collaborations. Now is the time for the advocates and practitioners of fair housing to have impact as a collective and produce a conviction of conscience that will lead and triumph through truth, righteousness and strength of the spirit of law.

History teaches that grave threats to liberty often come in times of urgency, when constitutional rights seem too extravagant to endure.

Thurgood Marshall



Fair Housing for Everyone.

"THE CLINIC SEEKS AT ALL TIMES TO BE A COMMUNITY RESOURCE DEDICATED TO ASSISTING INDIVIDUALS WITH THEIR HOUSING PROBLEMS..."

YOUR RIGHTS AS A TENANT (CONTINUED)

- departments;
- Exercise your rights under law or the rental agreement which you have signed; and
- Join with other tenants to secure your rights. These rights may be exercised without fear of eviction.

In addition, if after reasonable notice, your landlord fails to carry out his or her legal duties, you have the right to move out of the dwelling you are renting, thereby ending your rental agreement. Moreover, you have the right to seek relief in court if the landlord fails to fulfill his or her duties. If you seek relief in court and the court decides in your favor, it may reduce the amount of rent you must pay until the landlord fulfills his duties, and /or award you money damages. Tenants may withhold rent payments under very limited circumstances and should contact legal services and/or fair housing agency before doing so. Call us at 202-806-8082 for more information.



The Federal Fair Housing Act protects your rights to live where you want.



REDLINING & PREDATORY LENDING: A MOVEMENT FOR ADVOCACY & ENFORCEMENT

Congress passed the Community Reinvestment Act (CRA) in 1977 as a response to the practice of redlining, the refusal by banks to extend loans or banking services in poor, and predominantly minority, urban areas, and distressed rural communities. In low-income areas throughout the United States, this law, which encourages banks to serve low-income communities in their markets, has increased homeownership and small-business growth, enabling the revitalization of entire communities.

Under the act, regulators consider reinvestment performance when a bank seeks permission to expand or merge. Since its inception, the law has prompted banks to channel more than \$1 trillion into reinvestment projects. Effective enforcement and advocacy become essential as we see in a recent development in Baltimore. In March of 2006, the National Community Reinvestment Coalition (NCRC) filed a lending discrimination complaint with The U.S. Department of Urban Development (HUD), alleging that mortgage lender SouthStar Funding LLC excluded loans for rowhouses valued at less than \$100,000 in all markets nationally and excluded loans for rowhouses of any value in Baltimore City.

SouthStar is an Atlanta based wholesale residential lender that specializes in loans to sub-prime (higher cost loans to borrowers with blemishes on their credit records) borrowers. Operating in all 50 states, SouthStar typically markets their loan "programs" to borrowers who have had credit problems, are self-employed or first-time home buyers. On September 25, 2006, HUD announced that SouthStar had agreed to discontinue a policy of refusing loans to buyers of rowhouses in Baltimore and pay \$500,000 under a settlement with NCRC over four years so that the fair lending group can offer seminars for housing counselors. An applaudable outcome negotiated by advocate and enforcement organizations to neutralize, expose and rehabilitate a violator.

Now, let's talk about Redlining's polar-opposite sibling, Predatory Lending.

After decades of redlining practices that starved many urban communities for credit and denied loans to racial minorities, today a growing number of financial institutions are flooding these same markets with exploitative loan products that drain residents of their wealth. Predatory lending may be as problematic for minority families and older ur-

ban neighborhoods as has been the withdrawal of conventional financial services. Instead of contributing to homeownership and community development, predatory lending practices strip the equity homeowners have struggled to build and deplete the wealth of those communities for the enrichment of distant financial services firms.

Predatory lending has grabbed the headlines of late as state and local government officials move swiftly, yet cautiously, to enact effective legislation during a period of mid-term elections in the United States. In 1999, North Carolina became the first state to enact legislation to curb predatory mortgage lending. The North Carolina law has proven its effectiveness in curtailing predatory lending while preserving a hearty subprime lending market. During the first year after the law's passage, North Carolinians saved an estimated \$100 million as a result of the law. The law did not increase interest rates on subprime loans in North Carolina, and subprime lending continues to grow in the state, up an estimated 40% this year.

The growth of subprime lending in recent years, coupled with growing law enforcement activity in this area, clearly indicates a surge in a range of exploitative practices. Not all subprime loans are predatory, but virtually all predatory loans are subprime. Some subprime loans certainly benefit high-risk borrowers who would not qualify for conventional, prime loans. Predatory loans, however, charge higher rates and fees than warranted by the risk, trapping homeowners in unaffordable debt and often costing them their homes and life savings.

Predatory lending not only encumbers perspective home buyers, it has ensconced low-income and military communities in the form of "payday" loans, overdraft loans, car title loans and credit cards. Does this fall under the umbrella of Home Land Security?

Ultimately, an educated consumer is better equipped to make these crucial decisions. Information, advocacy and enforcement are available and eager to assist you. For more information please contact HUD (800-669-9777), the Center for Responsible Lending (202-349-1850), National Community Reinvestment Coalition (202-628-8866), Fannie Mae (800-732-6643), National Fair Housing Alliance (202-898-1661), or the Howard University School of Law's Fair Housing Clinic (202-806-8082).



Is your community a potential target for redlining or predatory lending?



"AN APPLAUDABLE OUTCOME NEGOTIATED BY ADVOCATE AND ENFORCEMENT ORGANIZATIONS TO NEUTRALIZE, EXPOSE AND REHABILITATE A VIOLATOR"



Are you working with a reputable mortgage banker as you plan for your future?



HOME MAINTENANCE: AUTUMN

Maintaining your home on a regular basis is a great way to protect your investment in your home. A regular maintenance schedule can significantly reduce the most common and costly problems. A lot of home maintenance activities are seasonal. Fall is when you get your home ready for winter. During winter months check your home carefully for any problems and take corrective action as soon as possible. Spring is when to look for winter damage and prepare for summer's warmer months. During the summer there are a many indoor and outdoor maintenance tasks to attend to.

Below are is a suggested autumn maintenance checklist you may wish to consider. If you are not comfortable performing some of the home maintenance tasks or do not have the necessary equipment, you may consider hiring a handyman or home maintenance company to help you.

- Replace window screens with storm windows, if applicable.
 - Remove screens from the inside of casement windows to allow air from the heating system to keep condensation off window glass.
 - Ensure all doors to the outside shut tightly, and check other doors for ease of use. Renew door weather-stripping if required.
 - If there is a door between your house and the garage, check the adjustment of the self-closing device to ensure it closes the door completely.
 - Ensure windows and skylights close tightly.
 - Cover outside of air conditioning units.
 - Ensure that the ground around your home slopes away from the foundation wall, so that water does not drain into your basement.
 - Clean leaves from eaves troughs and roofs, and test downspouts to ensure proper drainage from the roof.
 - Check chimneys for obstructions such as nests.
 - Drain and store outdoor hoses. Close valve to outdoor hose connection and drain the hose bib (exterior faucet), unless your house has frost proof hose bibs.
 - If you have a septic tank, measure the sludge and scum to determine if the tank needs to be emptied before the spring. Tanks should be pumped out at least once every three years.
 - Winterize landscaping, for example, store outdoor furniture, prepare gardens and, if necessary, protect young trees or bushes for winter.
 - Have furnace or heating system serviced by a qualified service company every two years for a gas furnace, and every year for an oil furnace.
 - Open furnace humidifier damper on units with central air conditioning and clean humidifier.
 - Lubricate circulating pump on hot water heating system.
 - Bleed air from hot water radiators.
 - Examine the forced air furnace fan belt for wear, looseness or noise; clean fan blades of any dirt build-up (after disconnecting the electricity to the motor first).
 - Turn ON gas furnace pilot light.
 - Check and clean or replace furnace air filters each month during the heating season. Ventilation system, such as heat recovery ventilator, filters should be checked every two months.
 - Vacuum electric baseboard heaters to remove dust.
 - Remove the grilles on forced air systems and vacuum inside the ducts.
 - If the heat recovery ventilator has been shut off for the summer, clean the filters and the core, and pour water down the condensate drain to test it.
 - Clean portable humidifier, if one is used.
 - Have well water tested for quality. It is recommended that you test for bacteria every six months.
 - Check sump pump and line to ensure proper operation, and to ascertain that there are no line obstructions or visible leaks.
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EVICCTIONS 101

Simply stated, an eviction is a legal process to oust a person from possession of real estate/property (i.e., house, apartment, room, etc.). Eviction laws vary from state to state, but, generally, there are two lawful ways to evict someone: (1) legal or actual eviction; and (2) constructive eviction.

Legal or Actual Eviction

A landlord initiates legal eviction procedures because: - the term of the lease has ended; - tenant violates a law or ordinance; - tenant violates the requirements of the lease or the use of the premises as designated in the lease; - tenant fails to pay rent or damages the property; or - tenant threatens the landlord.

Constructive Eviction

Constructive eviction occurs when the landlord causes the property to become uninhabitable or substantially interferes with the tenant's ability to use the property for its intended purpose, which forces the tenant to leave. In this case, the tenant may terminate the lease without any further obligation.

Retaliatory Eviction

Retaliatory eviction is where the landlord evicts the tenant in response to a tenant's complaints against the landlord or involvement in activities with which the landlord does not agree. Retaliatory eviction is often illegal, particularly if the landlord begins eviction procedures with a certain time following the tenant's act (e.g., within 90 days).

Illegal Actions

A landlord cannot evict a tenant based on discriminatory factors, e.g., race, sex, religion). And a landlord cannot evict a tenant by changing the locks on the residence, placing a lien on the tenant's personal property, removing the tenant's personal property from the premises, or shutting off the tenant's utilities.

Procedures for a Legal or Actual Eviction

The landlord must provide written notice of the eviction to the tenant. The date by which the tenant must move out (e.g., 3 days, 30 days) differs according to the cause of or reason for the eviction and the laws of state in which the eviction is occurring. If the deadline specified in the written notice passes and the tenant has not moved out, the landlord files an eviction lawsuit, and the tenant receives a summons to appear at a hearing. If the court issues an eviction notice, the tenant must vacate by a specified date; if the tenant does not move out, law enforcement may remove the tenant without further court action.

If back rent is due or the tenant has damaged or destroyed the property, the landlord may also sue for damages. And if the tenant has threatened the landlord, the landlord may ask the court for a temporary restraining order.

Actions Renters Can Take

Renters should become familiar with the landlord-tenant laws in their state, including how much notice a landlord is required to provide in an eviction notice. If a landlord initiates eviction procedures, the tenant should consult with an attorney who can advise the tenant as to possible defenses and arguments against eviction. Here are some examples: - if the landlord evicts because the tenant is late paying the rent, but has accepted late rent payments in the past, the tenant may be able to avoid the eviction; - if the tenant is being evicted for failure to pay rent and pays the amount due before the deadline, he or she cannot be evicted; - if the landlord evicts the tenant simply by changing

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FAIR HOUSING FOR ALL



Howard University
School OF Law

IT'S THE LAW!

The Federal Fair Housing Act protects your right to live where you want. In fact, in any decision regarding rental, sales, or lending, it's against the law to consider race, color, national origin, religion, sex, disability or family status. If you thing you've been denied housing, please call the Howard University School of Law's Fair Housing Clinic. We are here to help! Fair Housing! Its not an option!
It's the law!

For more information, call 202-806-8082, or visit

www.howardfairhousing.org

The Howard Law Fair Housing Clinic is made possible through a grant by the U.S. Department of Housing and Urban Development.



EVICCTIONS 101 (CONTINUED)

the locks on the premises, the tenant may terminate the lease and sue for damages; and - if the premises are destroyed through no fault of the tenant, the landlord has no action against the tenant, and the tenant is released from all further obligation on the lease.

One obvious way to avoid eviction is to timely pay the rent. While this seems too obvious, the reality is that simple miscommunication about paying the rent results in many avoidable cases. If you must pay late, let the landlord know in advance and obtain permission for the late payment. Many landlords will assume the lack of a timely payment means that the tenant will not pay at all. While this may be over reacting in some cases, it is accurate in others. Many landlords will, however, work with the tenant on late payments if advance notice is given and permission or arrangements are sought. (Of course, it is best to confirm such late payment agreements in writing.) Remember, unless there is some legal defense to the Notice to Pay Rent or unless the home is substantially defective, non-payment of rent is a pretty good ground to evict a tenant.

For more information, contact the Howard University School of Law's Fair Housing Clinic at 202-806-8082, or visit our website at www.howardfairhousing.org.

