



July 13, 2009

SENT BY OVERNIGHT DELIVERY

Assistant Secretary John Trasvina
Office of Fair Housing & Equal Opportunity
U.S. Department of HUD
451 7th Street, S.W.
Washington, DC 20410

Dear Assistant Secretary Trasvina,

The Fair Housing Justice Center is a Qualified Fair Housing Organization (QFHO) that receives FHIP Private Enforcement Initiative (PEI) funds from HUD to provide fair housing services to New Yorkers. These services include outreach, intake counseling, investigative assistance, including testing, and legal referrals. Currently, FHIP-funded services are restricted to those persons or organizations alleging housing discrimination based on one of the protected characteristics included in the federal Fair Housing Act. FHIP funded services may not be provided to individuals alleging discrimination based on state or locally protected characteristics, such as sexual orientation, marital status, and source of income.

As you are aware, an increasing number of states and local jurisdictions, including New York City and Nassau County within FHJC's service area, have amended local fair housing ordinances to prohibit discrimination based on source of income, including rental subsidies. These laws have been enacted, in part, because federally funded housing choice voucher holders are encountering overt discrimination based on the presence of a rental subsidy as they search for housing, particularly in low poverty areas. This impairs the ability of these federally subsidized households to enjoy the mobility feature of the housing choice voucher program and it defeats the larger objective of de-concentrating poverty and reducing residential racial segregation in our metropolitan areas.

It is in the public interest and entirely consistent with HUD's duty to affirmatively further fair housing to ensure that federally funded voucher holders are assisted to overcome discriminatory housing barriers when those barriers are based on the presence of a federally funded rental subsidy in jurisdictions that explicitly prohibit such discrimination. In places such as New York City, it is imperative that HUD permit private fair housing groups who receive FHIP PEI funds to use these funds to assist federal voucher holders to exercise their state or local fair housing rights when the violation is based on the fact that the household has a federal housing voucher.

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I am, therefore, requesting that your office immediately issue guidance to all current recipients of FHIP Private Enforcement Initiative grants stating that an eligible activity under such grants is to provide fair housing enforcement services to federal housing voucher holders if they are confronted with discrimination based on source of income in any state or locality where such discrimination is prohibited by law.

Enclosed is a copy of a report we issued last year regarding source of income discrimination in New York City. Please feel free to contact me if you have any questions or would like additional information about how source of income discrimination is adversely impacting low-income households with federally funded rental subsidies within FHJC's service area.

Thank you for your consideration of this request.

Sincerely yours,

Diane L. Houk
Executive Director

Enclosures

cc: Shanna Smith, National Fair Housing Alliance
Joseph Rich, Lawyers Committee for Civil Rights under Law
Philip Tegeler, Poverty & Race Research Action Council