

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE



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Federal Fair Housing Act
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I. Introduction and Executive Summary of the Analysis

The City of New Brunswick, New Jersey, initiated an Analysis of Impediments (AI) to Fair Housing Choice in May 2010. This study is to be updated every (5) five years in order to gain fresh perspectives on the fair housing issues facing the community. The City has completed the 2014-2015 Analysis of Impediments to Fair Housing Choice (AI) in accordance with the suggested planning process contained in the U.S. Department of Housing and Urban Development (HUD) publication Fair Housing Planning Guide. The purpose of the AI is to examine public and private policies, practices, and procedures affecting housing choice.

The 2014-2015 Analysis of Impediments to Fair Housing Choice (AI) was prepared by the Department of Planning, Community, and Economic Development (DPCED) for the City of New Brunswick. The Analysis of Impediments used data from the U.S. Bureau of Census, DPCED, HUD, COAH and other sources to analyze local conditions

An “impediment” to fair housing choice is defined as “any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choice” or “any actions, omissions, or decisions that have this effect.”

Conclusions

The AI process resulted in the following (3) three impediments being recognized as the most prevalent in the community:

- Lack of property owner education about fair housing;
- Immigrant populations whose language and cultural barriers combine with a lack of affordable housing to create unique fair housing impediments; and
- Lack of affordable housing.

Further discussion on these identified impediments is discussed later in this document.

II. Background Data

The City of New Brunswick is the county seat of Middlesex County and is located in the Middlesex-Somerset-Hunterdon, NJ Primary Metropolitan Statistical Area. New Brunswick is located along the Raritan River and is often referred to as the “Hub City” or the “Healthcare City” as it is home to Robert Wood Johnson University Hospital, St. Peters University Hospital, and is the corporate headquarters for Johnson & Johnson. It is located twenty-eight miles southwest of New York City and fifty-three miles northeast of Philadelphia.

A. Demographic Data

In the 2010 Census, the U.S. Census reported the population of New Brunswick’s was 54,181. The population grew over 14% in the decade from 2000 to 2010, which increases the demand for housing within the City. The makeup of New Brunswick’s population is changing as more and more Hispanic immigrants take residence within the municipality. The table below shows the population and population percent increases between the 2000 and 2010 decennial censuses.

Table 1: Population Characteristic

Total Population	2000	2010	Percent Change
Race			
White Only	23,701	25,071	6%
Black/African American Only	11,185	8,852	-21%
American Indian/ Alaskan Native	224	498	122%
Asian or Pacific Islander	2,624	4,195	60%
Other (other race,two or more races)	10,839	16,555	53%
Hispanic Ethnicity	18,947	27,553	45%

“Hispanic or Latino” represents approximately 50% of the population in New Brunswick. The geographical distribution of Hispanic ethnicity and Black/African American is shown in the following maps (*Figure 1 & 2, respectfully*). Each population is shown as a percentage of the total population in that individual census block.

Figure 1: Hispanic Ethnicity Population by Census Block Group 2010

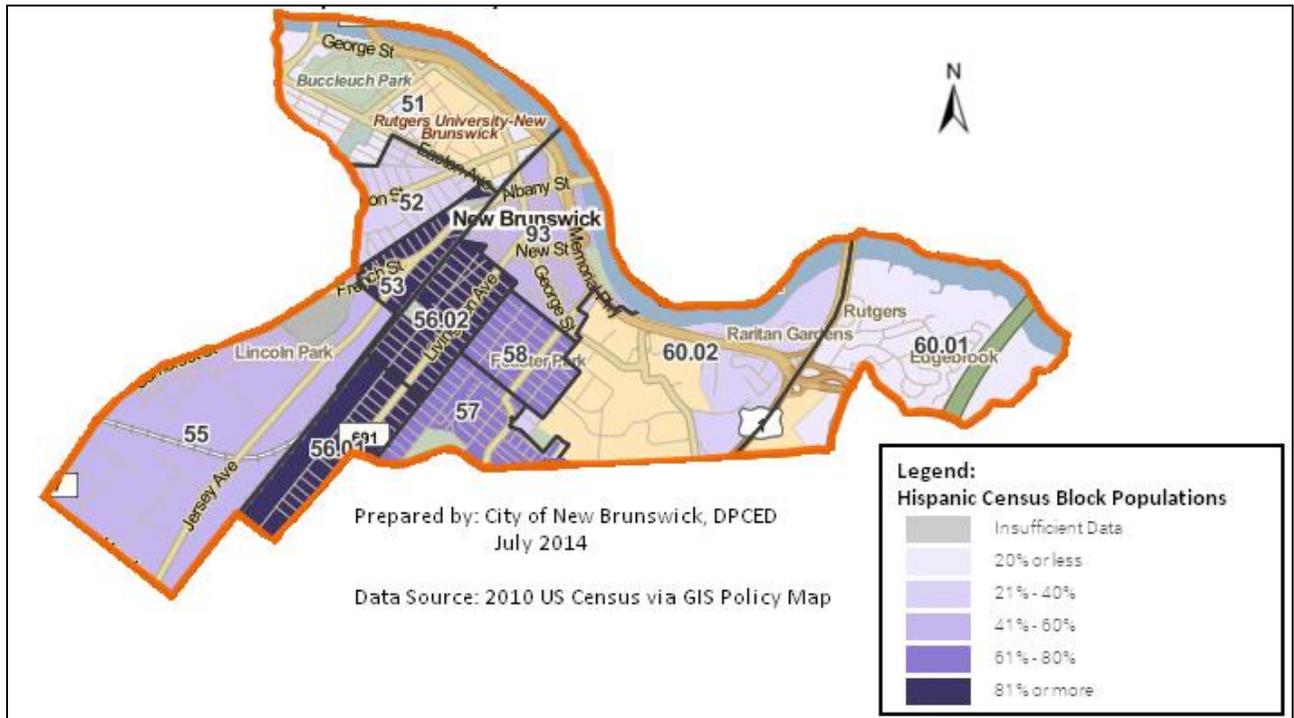
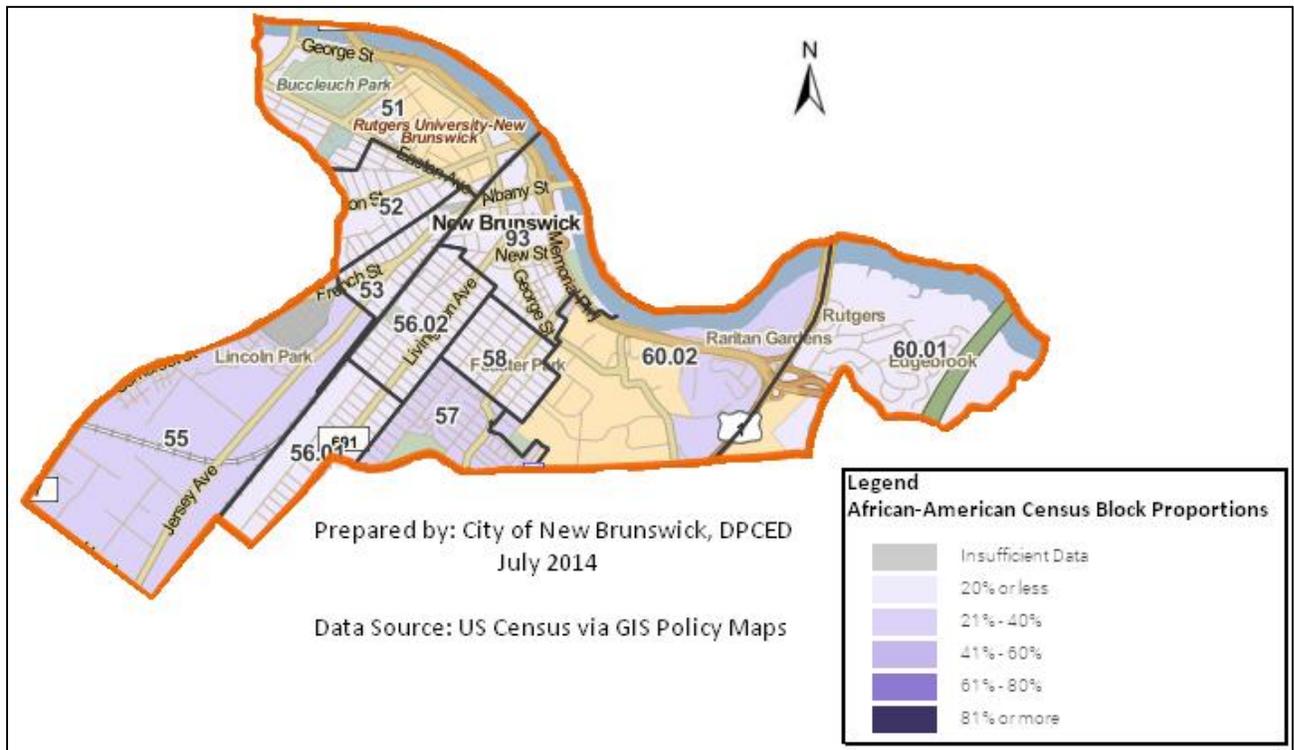


Figure 2: African-American Population by Census Block Group 2010



The median age in New Brunswick is fairly young at 23.3 years (Census 2010), compared to 39 years for New Jersey and 37.2 years for the United States. This can be attributed to New Brunswick being the home of Rutgers University. Other age comparisons can be found in the table below:

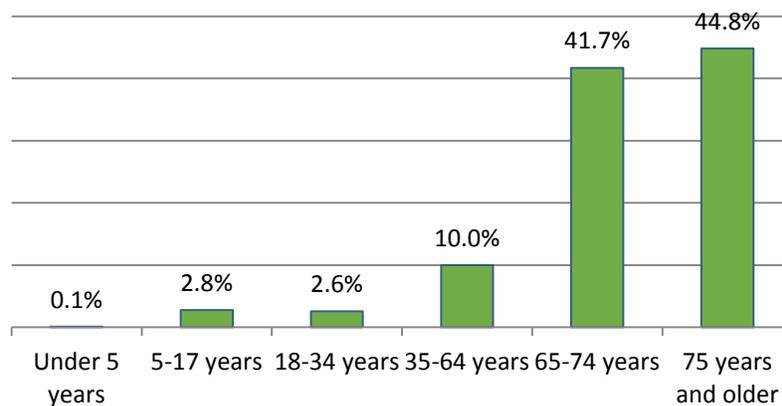
Table 2: Population Age

Age Characteristic and Rate	New Brunswick	New Jersey	United States
Total Population	55,181	8,791,894	308,745,538
Median Age	23.3	39	37.2
Under 5 Years	7.2%	6.2%	6.5%
School Age (5 to 18 years)	22.6%	19.9%	17.5%
Elderly (65+ years)	5.2%	13.5%	13%

Source: U.S. Census Bureau, Census 2010

The U.S. Census Bureau, 2010-2012 American Community Survey sample count collected data regarding persons with disabilities, including sensory, physical, and mental and self-care disabilities. The ACS 2008-2012 5-Year Estimate reported 5.9% of the City’s population to have a disability. The occurrence of a disability for males and females was substantially the same, with 5.1% of males and 6.6% of females reporting disabilities. Applying this rate to the U.S. Census Bureau’s report population for the year 2010 for the City of New Brunswick would indicate that 3,436 persons in the City are disabled. As would be expected, the occurrence of a disability increased with in older population cohorts, as shown in the graph below.

Figure 3: Percent Disabled by Age Cohort



Source: 2012 American Community Survey, 2010-12

The City of New Brunswick has a lower average of disabled population for people 64 years and younger (4.1%) compared to the State of New Jersey (10.9%). This can be attributed to New

Brunswick’s <64-year-old population skewing younger than the same age cohort in New Jersey and lower occurrences of disabilities in younger populations.

B. Income Data

The City of New Brunswick has a lower median income compared to Middlesex County and the State of New Jersey. Household income in New Brunswick is strongly affected by the student population living in households, which often report very low income but have other means of income support than reported income (e.g. parental support). The median household income in New Brunswick, according the 2010 Census, is \$40,280, which is substantially less than Middlesex County and New Jersey.

Table 3: Median Income by City, County, and State

New Brunswick	Middlesex County	New Jersey
\$40,280	\$79,442	\$71,637

Source: Census’ American Community Survey, 2008-2012

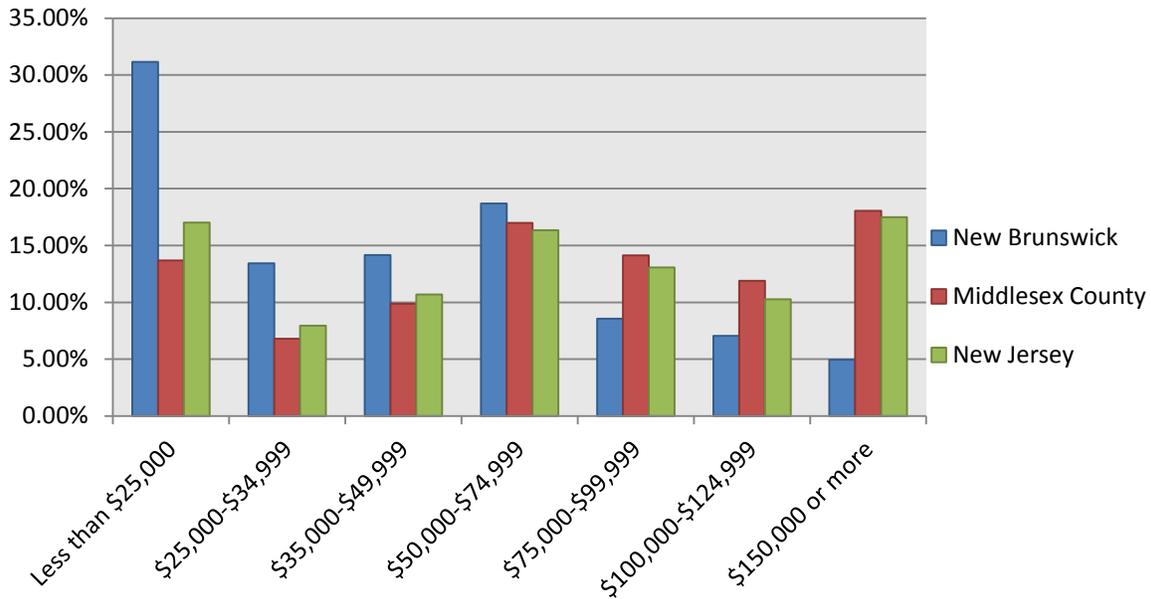
Table 4 and Figure 4 below further analyzes income cohorts of residents in New Brunswick, Middlesex County, and New Jersey. A plurality of New Brunswick households are in the lowest income cohort (<\$25,000), whereas in Middlesex County and the State, a slight plurality of households are in the highest income cohort (>\$150,000)

Table 4: Income by City, County, and State

Income	Percent of Households (New Brunswick)	Percent of Households (Middlesex County)	Percent of Households (New Jersey)
Less than \$25,000	31.14%	13.69%	17.01%
\$25,000-\$34,999	13.43%	6.8%	7.95%
\$35,000-\$49,999	14.15%	9.87%	10.7%
\$50,000-\$74,999	18.7%	16.99%	16.35%
\$75,000-\$99,999	8.57%	14.14%	13.06%
\$100,000-\$124,999	7.05%	11.9%	10.28%
\$125,000-\$149,999	2.03%	8.58%	7.17%
\$150,000 or more	4.95%	18.04%	17.49%

Source: U.S. Census Bureau, Census 2010

Figure 4: Income by City, County, and State



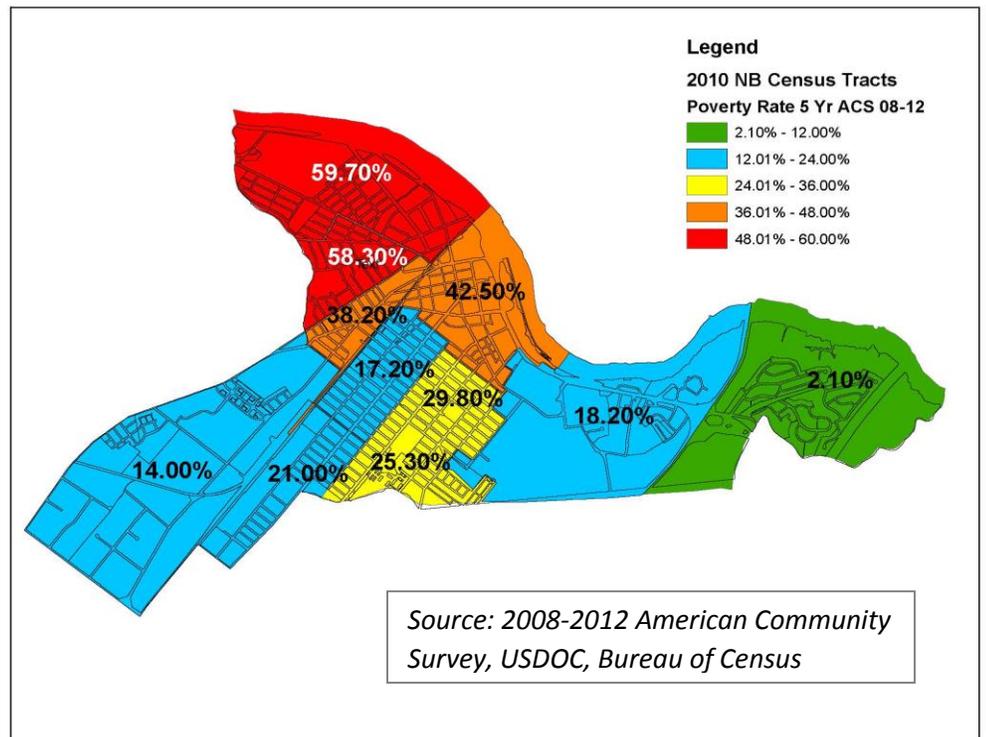
Source: U.S. Census Bureau, Census 2010

Areas of Low-Income Concentration

Figure 5 maps out the poverty rate for individuals at the census tract level as estimated in the American Community

Survey 5-Year Estimate (2008-2012). The data show the highest poverty rates to be in the areas near the Rutgers College Avenue Campus. This is likely due to the concentration of college students living in this area who report minimal income, as the ACS 5-year

Figure 5: Poverty Rate



estimates show the vast majority persons in these census tracts report doing no work or working less than full time in the past 12 months, i.e., they are students. High concentrations of poverty are also found in the downtown area and the areas adjacent to the downtown, which the data appear to show to be due to both the college and Hispanic populations.

Figure 6: CDBG Eligible Block Groups, 2010



Source: DPCEd, July 2014

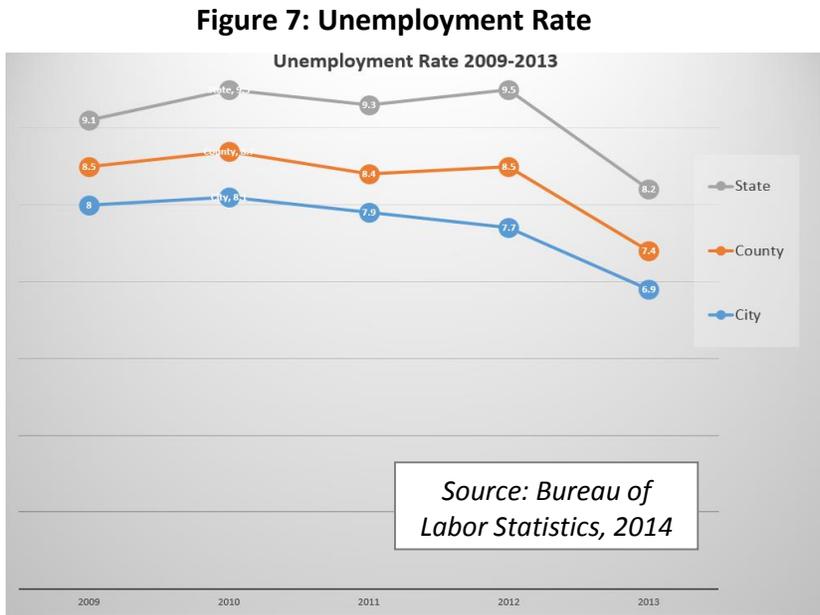
Community Development Block Grant dollars are to be used to benefit low and moderate income (LMI) persons and households. CDBG funds can be spent directly on LMI individuals

and households or on projects that provide a benefit to an area when that area’s population is at least 51% LMI. The map in Figure 6 shows the census block groups with LMI populations of 51% or greater. These block groups meet the income criteria for CDBG area benefits.

C. Employment Data

About 54% of New Brunswick’s population is in the labor force (Census 2010). The City of New Brunswick maintains a relatively low unemployment rate, especially for an urban center. The City’s unemployment rate of 5.8% in May 2014 was lower than that of the nation (6.3%), the State of New Jersey (6.7%), and Middlesex County (6.2%) (Bureau of Labor Statistics May 2014).

The unemployment rate in New Brunswick is down 1.4 percentage points in comparison to May 2013 and 1.6 percentage points from May 2012. New Brunswick unemployment rate has generally tracked lower than the county and state rates over the past five years. This has been a typical experience



for cities with concentration of employment in the medical and educational sectors. The employment population using the 2012 North American Industry Classification System for New Brunswick is broken down by industry in Table 4 below:

Table 5: Employment by Industry

2012 NAICS	Description	Number of Employees	Percentage
11	Agriculture, Forestry, Fishing and Hunting	85	.34%
23	Construction	1,429	5.71%
31-33	Manufacturing	3,072	12.27%
42	Wholesale Trade	1,172	4.68%
44-45	Retail Trade	2,718	10.86%
48-49	Transportation and Warehousing	1,203	4.8%
51	Information	330	1.32%
52-53	Finance, Insurance, Real Estate and Rental and Leasing	916	3.66%
54	Professional, Scientific, and Technical Services	1,164	4.65%
55	Management of Companies and Enterprises	0	0%
56	Administrative and Support and Waste Management and Remediation Services	2,554	10.2%
61	Educational Services	2,519	10.06%
62	Health Care and Social Assistance	2,269	9.06%
71	Arts, Entertainment, and Recreation	412	1.65%
72	Accommodation and Food Services	3,532	14.11%
81	Other Services (except Public Administration)	1,114	4.45%
92	Public Administration	541	2.16%

Source: U.S. Census Bureau NAICS, 2012

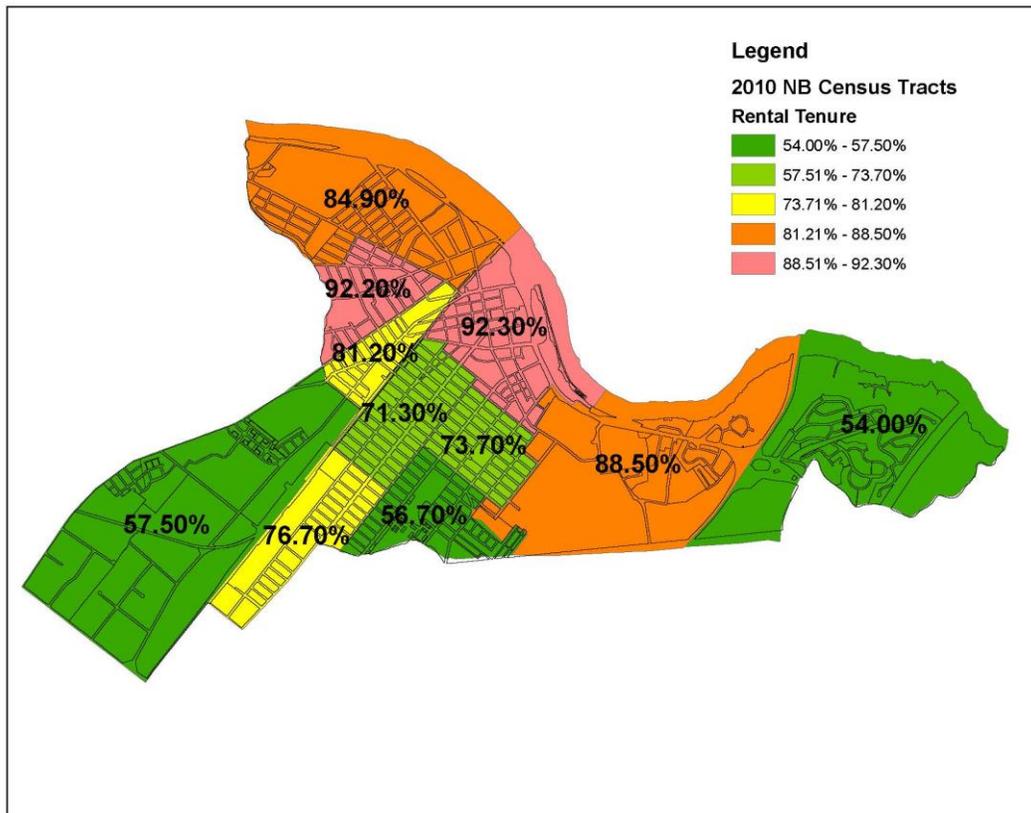
Major employers in the City of New Brunswick include Johnson & Johnson, Bristol-Myers Squibb, Rutgers University, Middlesex County, Robert Wood Johnson University Hospital, and Saint Peters University Hospital.

D. Housing Profile

Housing Unit Data

The 2010 Census reported that the total number of housing units in the City of New Brunswick was 15,611, of which 14,558 were occupied. The tenure breakdown of the occupied houses was 23.6 % owner-occupied and 76.4% renter-occupied (Census 2010). The City of New Brunswick’s homeownership rate has been slowly declining for many decades and the ACS 2008-2012 estimates indicate this trend in continuing. The percent of households that are occupied by renters is portrayed in the following figure:

Figure 8: Rental Occupancy Rate by Census Tract



Source: 2008-2012 American Community Survey, USDOC, Bureau of Census

The homeownership rate is illustrated by the following table:

Table 6: Homeownership Trends in New Brunswick

1990	2000	2010	2008-2012 ACS
32%	26.3%	23.6%	22.4%

Source: U.S. Census 2010 and 2008-2012 ACS, USDOC, Bureau of Census

Remediation of this decline has been a focal point for the City of New Brunswick. This will be addressed through various programs such as the owner-occupied housing rehabilitation program, which aims to rehab existing homes to encourage homeowner retention. The City also looks to encourage homeownership through the construction of affordable housing. With this, the City seeks to provide both ownership opportunities for low and moderate-income persons as a means of encouraging resident investment in neighborhoods and as a means of stabilizing and reversing the deterioration of the housing stock. The City of New Brunswick is also part of the “Live Where You Work” program, which is administered by the State of New Jersey’s Housing and Mortgage Finance Agency (HMFA) which encourages residents to purchase homes in the municipality where they are employed through the attraction of low-interest mortgage loans and shorter commute times.

The following table shows data for indicators of inadequate housing for households in the City of New Brunswick.

Table 7: Inadequate Housing Indicator

	Owner	Renter
Household has 1 of 4 Housing Problems	48.8%	66.1%
Household has none of 4 Housing Problems	50.5%	29.3%
Cost Burden not available	0.7%	4.6%

The four housing problems as defined by HUD are:

1. Incomplete kitchen facilities;
2. Incomplete plumbing facilities;
3. 1.01 or more persons per room; and
4. A cost burden.

A cost burden is the ratio of housing costs to household income. For renters, housing cost is defined as gross rent (contract rent plus utilities). For owners, housing cost is defined as "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes.

Problem categories 1-3 are not significant contributors to inadequate housing problems in the city, as almost 90% of the housing with problems is due to cost burden issues, as shown on the below table.

Table 8: Housing Problems & Cost Burden

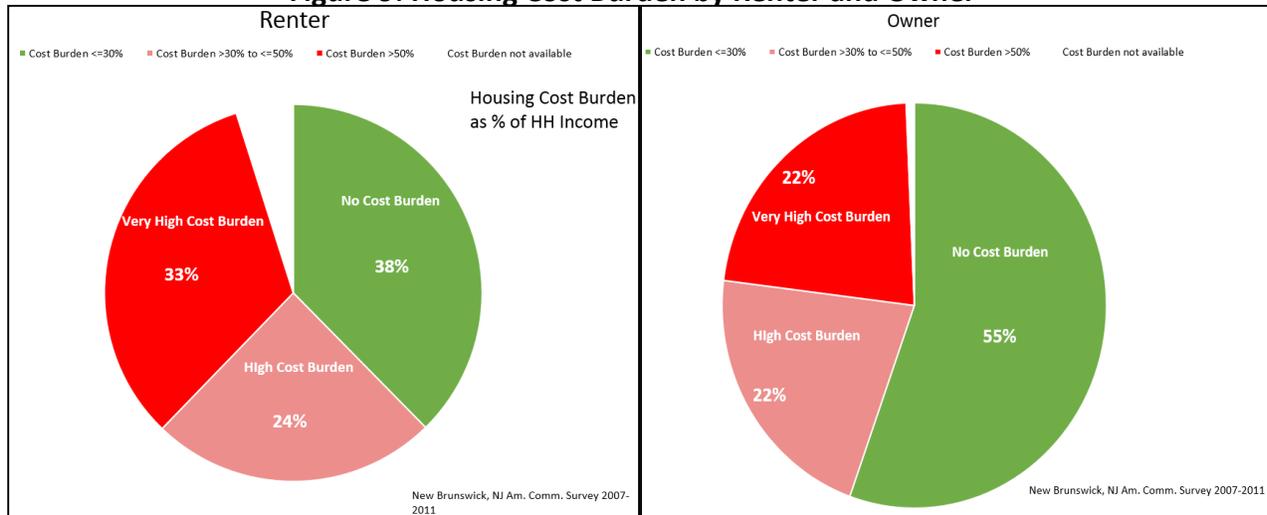
	Owner		Renter	
Total Households	3670	100.0%	11165	100.0%
Household has 1 of 4 Housing Problems	1790	48.8%	7375	100.0%
% Housing Problems Due to Cost Burden	1610	89.9%	6420	87.1%
% All Households with Cost Burden	1610	43.9%	6420	57.5%

(Source: HUD, SOCDs CHAS Data, 2007-2011)

Housing cost burden is further categorized as severe if the cost burden is in excess of 50% of household income. Figure 9 below show the percentages of households with:

- No cost burden (<30% of income to housing cost)
- Cost burden (>30% & <50% of income) and
- Severe cost burden (>50% of income)

Figure 9: Housing Cost Burden by Renter and Owner



The Comprehensive Housing Affordability Strategy (CHAS) data indicates 76% of renters in New Brunswick have incomes that are less than 80% of the Middlesex-Somerset-Hunterdon metro area median income of \$66,250 (HUD, 2013) and are classified as low, very-low or extremely low income households. The table below breaks out the percentages of households in these income categories.

Table 9: Rental and Owner Households by Income Category	
Rental HH with Income >50% to ≤80% Area Median Income (Low Income)	12.9%
Rental HH with Income >30% to ≤ 50% Area Median Income (Very Low Income)	26.2%
Rental HH with Income ≤ 30% Area Median Income (Extremely Low income)	36.9%
Owner HH with Income >50% to ≤80% Area Median Income (Low Income)	18.3%
Owner HH with Income >30% or ≤ 50% Area Median Income (Very Low Income)	19.3%
Owner HH with Income ≤ 30% Area Median Income (Extremely Low income)	9.4%

(Source: HUD, SOCDS CHAS Data, 2007-2011)

The statistics for homeowners are relatively better than the statistics for renters, with over half (53%) of all homeowners having incomes greater than 80% of the area median family income.

Subsidized Housing

The Housing Authority of the City of New Brunswick currently manages 362 public housing units, 868 Housing Choice Vouchers, 35 VASH (Veterans Affairs Supportive Housing) vouchers and 151 low income tax credits units. The Authority currently has a waiting list of 294 persons waiting for public housing and 3,044 persons waiting to take part in the Housing Choice voucher program. As part of the goals the Housing Authority’s five- year plan, it looks to meet the needs of lower income families by increasing the number affordable units available and forging new partnerships to create other voucher-based programs.

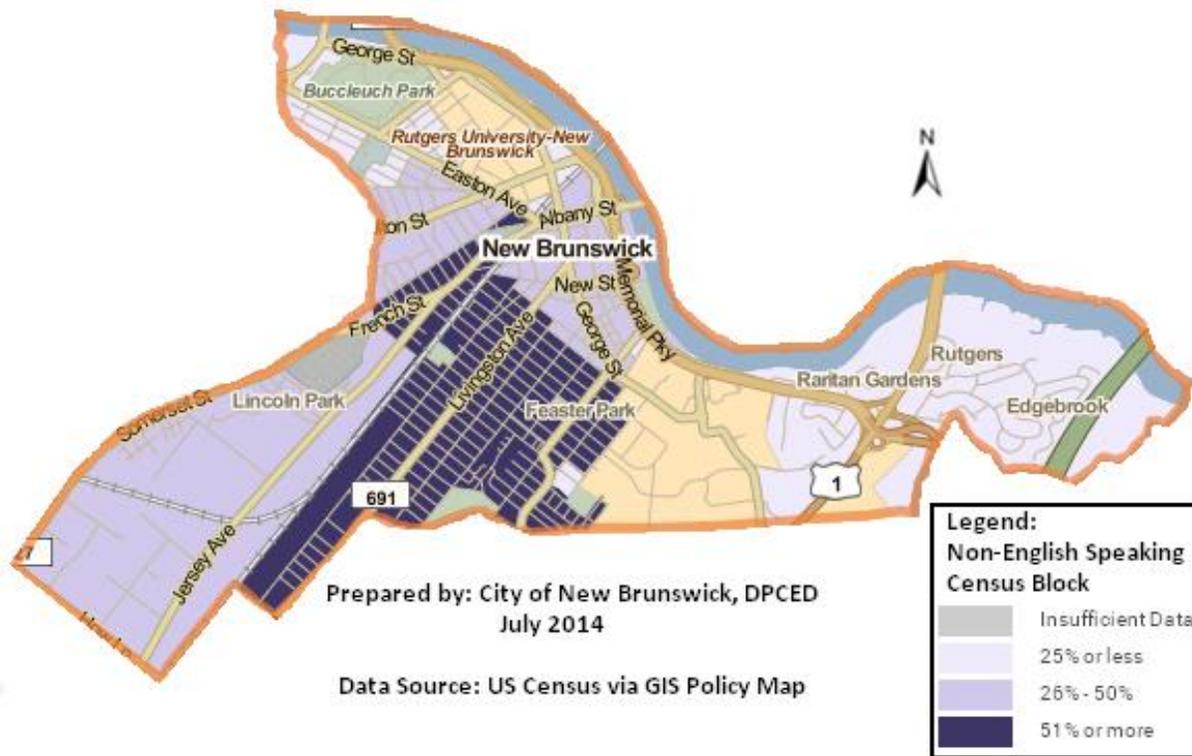
E. Other Relevant Data

Language Barrier

New Brunswick has a higher non-English speaking population than the State of New Jersey. According to the 2008-2012 American Community Survey, approximately 36.6% of the population speaks English less than “very well”. This is largely due to the influx of Hispanic population in New Brunswick over the past two decades. The dominant language spoken at

home is Spanish for nearly half the city's population (47.2%), whereas, the state of New Jersey has a population of 15.1% who speaks Spanish at home. Figure 10 below portrays the areas where a language other than English is predominantly spoken in the household.

Figure 10: English Not Primary Language Spoken Population by Census Block Group 2010



The inability of a substantial percentage of the local population that can speak English less than very well is a barrier to fair housing due to the difficulty this can create in communications.

The City has developed and implemented a Language Assistance Plan (LAP) to assist residents who are Limited English Proficient (LEP) in interacting with federally funded programs.

Examples of language assistance include to LEP persons include but is not limited to:

- Oral interpretation services via telephone interpreters;
- Bilingual staff;
- Notices to staff and recipients of the availability of LEP services; and
- Referrals to community liaisons proficient in the language of LEP persons.

III. Evaluation of Current Fair Housing Legal Status

The New Jersey Law Against Discrimination (LAD) prohibits discrimination when selling or renting property. The law covers owners, agents, employees and brokers and makes it unlawful to refuse to rent, show or sell property based on a person's race, creed, color, national origin, nationality, ancestry, marital status, domestic partnership or civil union status, familial status, affectional or sexual orientation, gender identity or expression, sex, or mental and physical disability, including AIDS and HIV-related illness.¹

City of New Brunswick residents who feel that they have been subject to housing discrimination can seek help from the Puerto Rican Action Board's (PRAB) Housing Coalition Unit. The Housing Coalition Unit can assist victims of discrimination by verifying complaints, advocating when appropriate, preparing cases, and helping the victim in the act of filing with the US Department of Housing and Urban Development (HUD), the New Jersey Division on Civil Rights (DCR), or private attorneys.

The fair housing staff person will assist New Brunswick residents who feel they have been denied housing or encountered difference in treatment in their attempts to rent or buy housing. This service will also be available to persons attempting to secure housing in the city, but who are not residents at the time they feel they are denied. The fair housing staff has available staff members who are bi-lingual in Spanish and English to help facilitate the Spanish-speaking population in New Brunswick.

Fair housing complaint information provided by the U.S. Department of Housing and Urban Development (HUD) show that there have been three (3) Title VIII fair housing complaints filed between 2011 and July 2014. Complaints are filed based on discrimination against the following categories: race/color, national origin, familial status, disability, sex, religion, retaliation, and sexual harassment.

¹ "Housing Discrimination" Division on Civil Rights. Web. 2007 Accessed: 7.15.2014
<<http://www.nj.gov/oag/dcr/housing.html>>

Of these three complaints, two were based on disability discrimination and one was based on both disability and race discrimination.

The New Jersey Division on Civil Rights provided data that during the period of 2010 through July 2014, there were three (3) Title VIII fair housing complaint cases, which were closed. Two (2) were determined to be no cause cases where there was insufficient evidence found during a Title VIII investigation to prove discrimination had existed; one (1) complaint was conciliated with a Negotiated Settlement Agreement; and zero (0) cases were found to have actionable discrimination. No detailed information about the case was obtained.

PRAB's Housing Coalition Unit's housing rights and homeownership counselors cover the topic of Housing Rights (Tenant/Landlord and Fair housing) at all of their educational outreach workshops. These workshops are held depending on the demand.

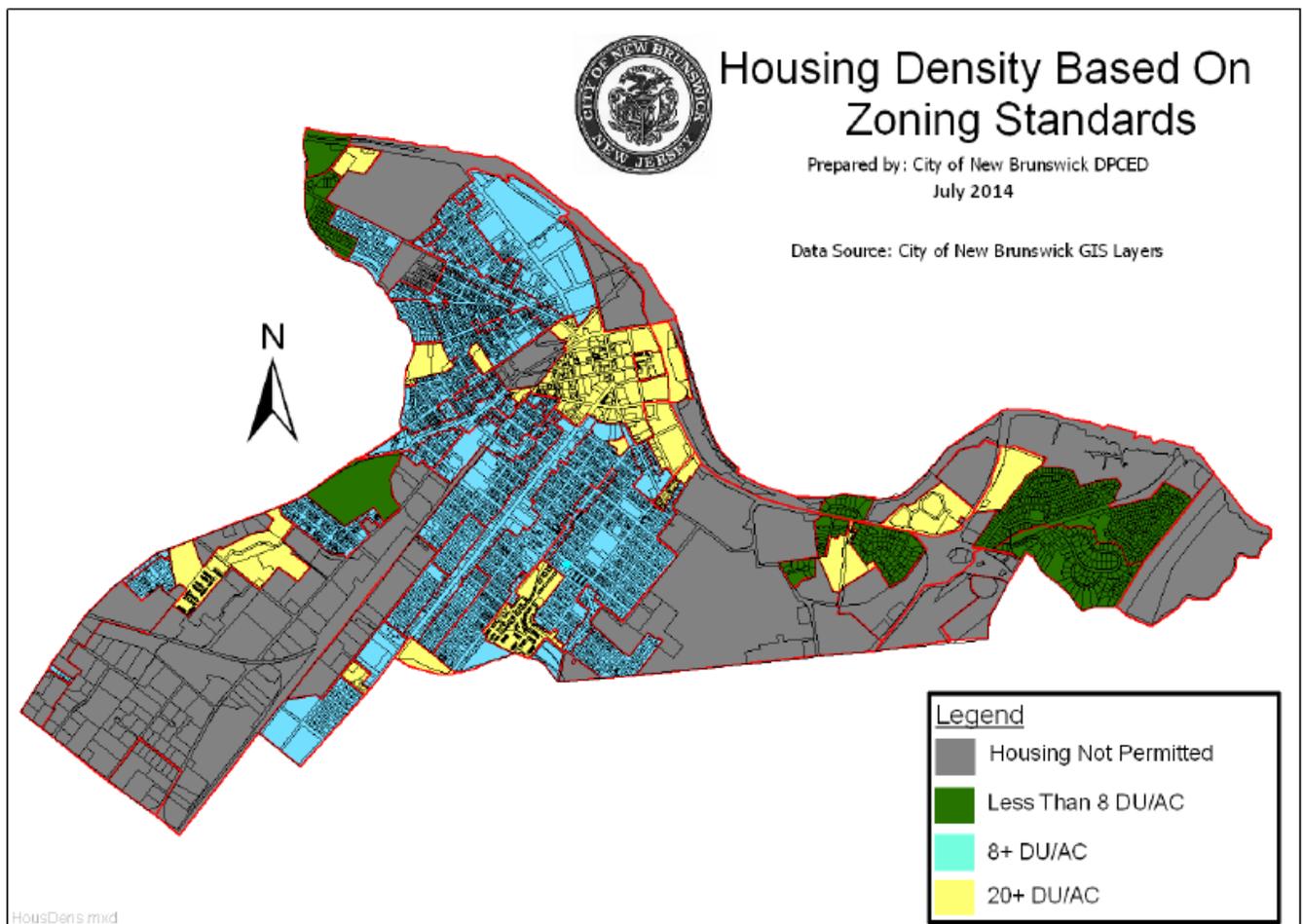
IV. Identification of Impediments to Fair Housing Choice

A. Public Sector

1. Zoning and Site Selection

The City of New Brunswick's zoning ordinance provides the opportunity for high-density (8+du/ac) development in most residential and mixed-use areas. Additionally, several zones permit very high-density (20+du/ac) development including the downtown core near job centers. Zoning areas for mixed-use development puts housing in proximity to services, retail and job centers. Figure 11 below illustrates the housing densities allowed based on the standards set forth in the zoning ordinance.

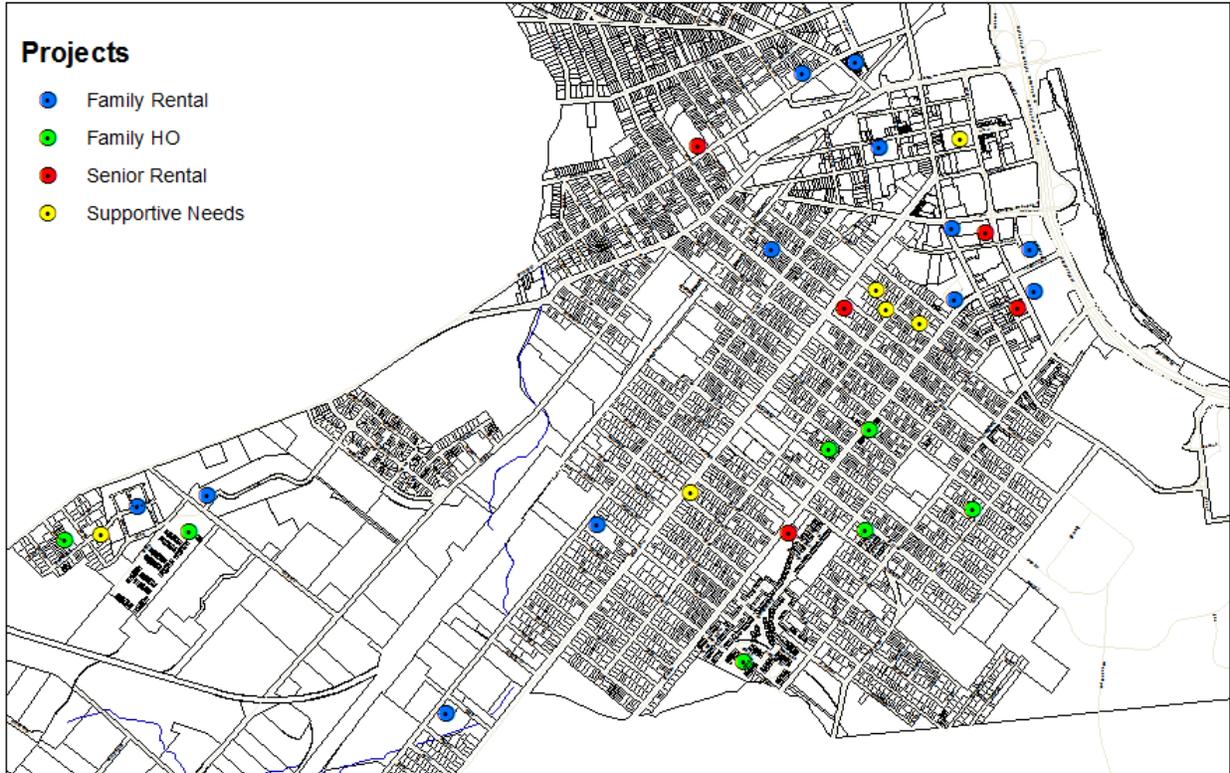
Figure 11: Housing Density Based on Zoning Standards



2. Neighborhood Revitalization, Municipal and Other Services

Development of new market and affordable housing occurred in most neighborhoods. The construction of completed affordable housing projects is shown in the Figure 12 below.

Figure 12: Affordable Housing



Source: DPCED, September 2014

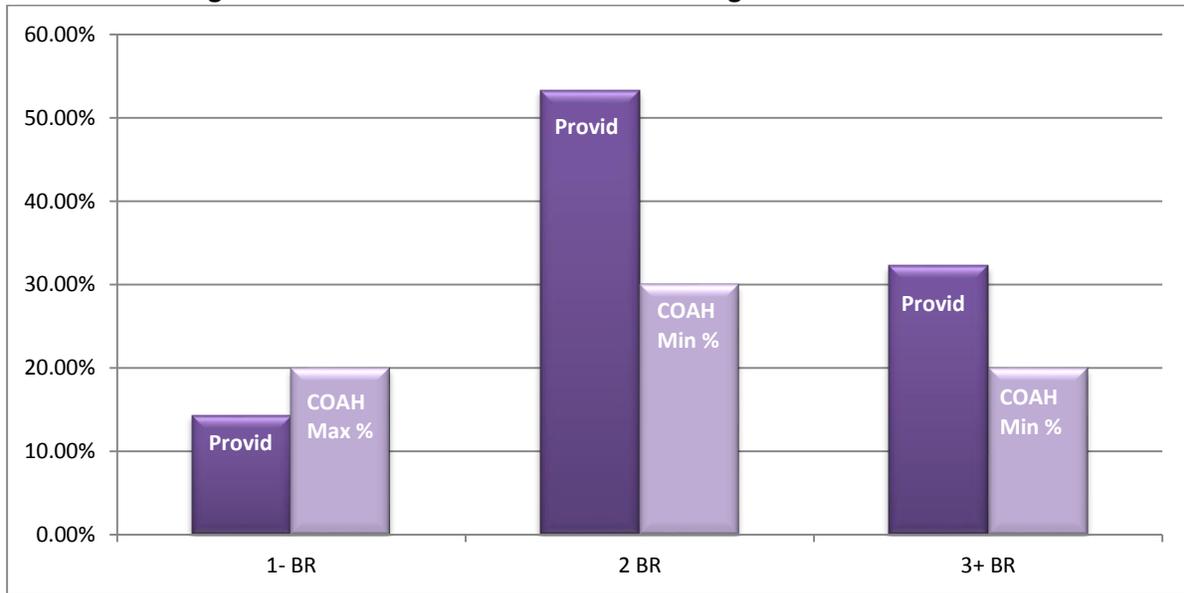
As part of the Analysis of Impediments, HUD guidance directs the entitlement community to assess the availability of affordable, accessible housing in a range of unit sizes. Table 7 below documents the availability of affordable family housing units by bedroom size and ownership-type. In order to assess the adequacy of the distribution of units, the distribution of units was compared to the New Jersey Council on Affordable Housing's (COAH) requirements for bedroom distribution of affordable housing units. The COAH guidelines establish a maximum of 20% of affordable units being one-bedroom units and sets minimum percentages for two and three-bedroom units of 30% and 20%, respectively.

Table 10: Affordable Family Housing, 2014

<u>Project Name</u>	<u>Units</u>	<u>Type</u>	<u>Bedroom Distribution</u>		
			1- BR	2 BR	3+ BR
Homeownership					
Delevan Court	44	Individual Ownership	2	36	6
Comstock Court	19	Individual Ownership	0	9	10
Hampton Club	54	Individual Ownership	6	28	7
Camner Square	19	Individual Ownership	0	0	19
Brunswick Raritan	3	Individual Ownership	0	0	3
Fulton Square	57	Individual Ownership	0	29	28
Mt. Zion	24	Individual Ownership	0	7	17
TOTAL	220		8	109	90
Family Rental					
Schwartz Robeson	258	Public Housing	31	152	75
Hope Manor	68	LIHTC & HOPE VI	1	37	30
Riverside	76	LIHTC & HOPE VI	0	33	37
Skyline Tower	14	HMFA Bond Financing	6	8	0
The George (NB Arts Bldg)	21	HOME & RCA	17	4	0
Unity Square	5	HOME	0	0	5
Gateway	38	HMFA Bond Financing	6	32	0
PRAB	4	RCA	0	4	0
Somerset Mews	48	HMFA	36	12	0
TOTAL	532		97	282	147
Senior Rentals					
Providence Square	98	LIHTC	98	0	0
Providence Square II	53	LIHTC	53	0	0
Livingston Manor	50	LIHTC	50	0	0
St. Mary's Apts	132	Section 236	132	0	0
Schatzman UAW Apts	213	Section 236	213	0	0
Lord Stirling	48	LIHTC	42	6	0
TOTAL	594		588	6	0
Supportive Needs Housing					
Promise House	10	HOME	10	0	0
RCHP at 129 Redmond	1	HOME	0	0	1
RCHP at 180 Redmond	1	HOME	0	0	1
Women Aware	3	HOME	0	1	2
Dina's Dwelling (<i>planned</i>)	10	HOME & HMFA	8	2	0
TOTAL	37		18	3	4
Total Homeownership and Family Rental % by Bedroom			105	391	237
COAH Allowable Bedroom Distribution			14.3%	53.3%	32.3%
			<i>20% Max.</i>	<i>30% Min.</i>	<i>20% Min.</i>

Below is a graph that illustrates the COAH guidelines minimums and maximums limits for one-, two-, and three-bedroom or more units. The bedroom distribution of New Brunswick’s affordable housing units exceeds the COAH guidelines.

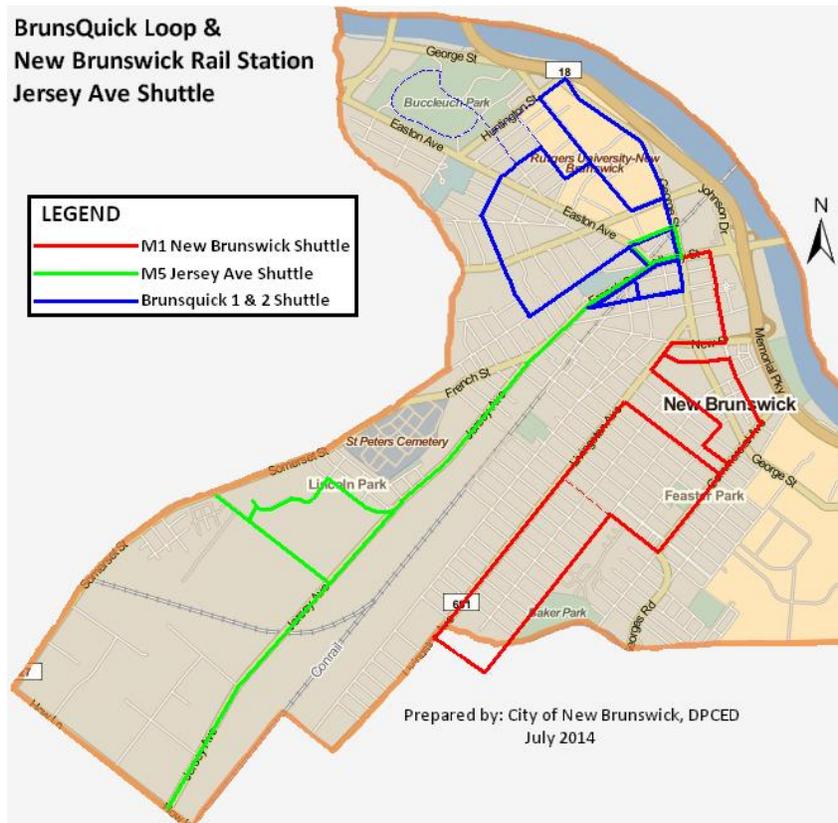
Figure 13: New Brunswick Affordable Housing Bedroom Distribution



Funding is available for rehabbing owner-occupied housing of LMI households throughout the City. As 76.4% of the housing units are rentals and approximately 75.9% of the rental populations are LMI, the City enforces rent control to limit rent increases to existing tenants to CPI (consumer price index) increases. Any dwelling that is rented or offered for rent, or any dwelling that is not the principal residence of the property owner must be registered as a rental unit with the New Brunswick Rent Control Office annually. The Office investigates complaints of rent overcharges and enforces findings of rent overcharges through a hearing process of the Rent Control Board.

The City has collaborated with Rutgers University and Middlesex County to provide frequent shuttle services in all LMI neighborhoods to connect these neighborhoods to employment centers in the downtown area and the Jersey Avenue industrial corridor. Figure 14 below illustrates the routes for the BrunsQuik Loop and New Brunswick Rail Station Jersey Avenue shuttles.

Figure 14: LMI Neighborhood Shuttle Service



The various shuttle routes interconnect to provide free or inexpensive access to all major employment areas from all LMI neighborhoods. Additionally, mixed use projects with residential components and affordable housing set asides have been developed in the downtown area.

3. PHA and Other Assisted/Insured Housing Provider Tenant Selection

Public housing is limited to low-income families and individuals. Eligibility is based on:

- 1) Annual gross income;
- 2) Whether you qualify as elderly, a person with a disability, or as a family; and
- 3) U.S. citizenship or eligible immigration status.

The Housing Authority provided a general description of the application process as follows:

Application Information:

- 1) Names of all persons who would be living in the unit, their sex, date of birth, and relationship to the family head;
- 2) Your present address and telephone number;

- 3) Family characteristics (e.g., veteran) or circumstances (e.g., living in substandard housing) that might qualify the family for tenant selection preferences;
- 4) Names and addresses of the current and previous landlords for information about the family's suitability as a tenant;
- 5) An estimate of the family's anticipated income for the next twelve months and the sources of that income;
- 6) The names and addresses of employers, banks, and any other information the HA would need to verify the income and deductions, and to verify the family composition; and
- 7) The PHA also may visit the current home to interview the family to see how they manage the upkeep of the current home. After obtaining this information, the HA representative describes the public housing program and its requirements, and answer any questions the applicant might have.

4. Sale of Subsidized Housing and Possible Displacement

Based on conversations with staff at the Housing Authority, there are currently no subsidized projects that are threatened with sale leading to displacement.

5. Property Tax Policies

New Jersey property tax policy has led to the highest property tax in the nation. The added cost burden from property taxes may be an impediment for LMI ownership. The Tax Assessor's Office places an "assessed valuation," each year, on each property in the City. These valuations are based upon the Market Value of the entire property, including the value of the land, and the value of all of the buildings on it. For multi-family (>4 units), the Market Value can be verified by applying a capitalization rate to the net operating income of the property. For 1-4 family homes, the market value can be verified by analyzing the sales of comparable homes. The City has instituted policies to offer tax abatements to encourage new housing development to increase the supply of housing and improvements to existing housing to encourage property maintenance and homeownership. The State of New Jersey also offers property tax reductions to veterans of war, low-income senior citizens, and disabled persons.

6. Building Codes (Accessibility/Visitability)

Accessibility in residential dwellings is governed by the New Jersey Barrier Free Subcode (N.J.A.C. 5:23-7.1 et al.) which is enforced by the City of New Brunswick's Office of the

Construction Official. The NJ Barrier Free Subcode (NJBFSC) applies to all buildings, including their associated sites and facilities, and portions thereof, unless specifically exempted and is interpreted to require access for people with disabilities, including, but not limited to, occupants, employees, consumers, students, spectators, participants, or visitors. The goal of the NJBFSC furthers the spirit of fair housing by providing every person with the opportunity to reside in a location of his or her choice. Several examples of provisions in the code are as follows: the requirement of an elevator for all buildings three-stories or more; in a building without elevator service, each ground floor dwelling shall be required to have an accessible entrance, accessible route into and throughout the entry level of the dwelling unit, and adaptable kitchen, and one adaptable toilet and bathing facility on the accessible route; and all common facilities must be accessible.

B. Private Sector

1. Lending Policies and Practices

The Community Reinvestment Act (CRA) requires the federal financial institution supervisory agencies to assess the institutions' CRA performance. A financial institution's performance in helping to meet the credit needs of its community is evaluated in the context of information about the institution, its community, and its competitors and peers.²

Table 10 shows that the eleven (11) local banks of the City of New Brunswick exhibited at least satisfactory CRA ratings with the over half maintaining an “outstanding” CRA rating. The data indicates that the lending policies and practices of these banks further the needs of the local community.

² “Community Reinvestment Act” FFIEC. Web. 8/22/2013 Accessed: 7.1.2014
<http://www.ffiec.gov/craratings/ratings_faq.htm>

Table 11: FFIEC Interagency CRA Rating

Bank Name	FDIC Release Date	CRA Rating
Amboy National Bank	10/03/2005	Outstanding
Bank of America	3/31/2009	Outstanding
Bank of Princeton	11/01/2012	Satisfactory
Brunswick Bank and Trust Company	05/01/2014	Satisfactory
Chase	10/28/1993	Satisfactory
Magyar Bank	01/01/2014	Outstanding
New Millennium Bank	11/01/2012	Satisfactory
PNC	09/30/2009	Outstanding
TD Bank	12/31/2011	Outstanding
Two River Community Bank	01/01/2013	Satisfactory
Wells Fargo	06/30/2006	Outstanding

Source: Federal Financial Institutions Examination Council's (FFIEC), 2014

C. Public and Private Sector

1. Fair Housing Enforcement/Informational Programs PRAB's Housing Coalition Unit's housing rights and homeownership counselors cover the topic of Housing Rights (Tenant/Landlord and Fair housing) at all of their educational outreach workshops. These workshops are held once or twice a month depending on the demand. Every staff member of the Housing Coalition is trained to recognize discriminatory housing practices; fair housing is integrated into all of the agency's counseling and outreach efforts. The Unit provides homebuyer education, pre-purchase counseling, housing rights (fair housing and tenant/landlord) counseling, permanent housing and stabilization counseling (housing location assistance, home sharing) and a full range of homeowner assistance services (first-time homebuyer and mortgage foreclosure default counseling). The basic topics discussed at the education outreach workshops are: renting in New Jersey, The Fair Housing Act of 1988 & The New Jersey Law Against Discrimination, eviction procedures, security deposit, building codes violations, warranty of habitability (repairs), leases, rent control ordinance, and special programs for tenants (homeless prevention, relocation assistance, etc.).

The City of New Brunswick has also posted on the official website information about the services offered by PRAB's Housing Coalition Unit and a flyer regarding fair housing.

Additionally, fair housing information is available at the Department of Planning, Community,

and Economic Development office at their information station. PRAB's Housing Coalition Unit reported that they receive few inquiries or complaints about racial/ethnic/gender discrimination.

D. Fair Housing Act Compliance

Where there has been a determination of unlawful segregation or other housing discrimination found by a court or a finding of noncompliance by HUD under Title VI of the Civil Rights Act of 1964 or Section 504 of the Rehabilitation Act of 1973, or where the Secretary has issued a charge under the Fair Housing Act regarding assisted housing within a recipient's jurisdiction, an analysis of the actions which could be taken by the recipient to help remedy the discriminatory condition shall be performed.

In New Brunswick, there have been no determinations of segregation or other housing discrimination.

V. Assessment of Current Public and Private Fair Housing Programs and Activities in the Jurisdiction

The City of New Brunswick has examined a range of issues in order to identify and address impediments to fair housing choice.

Impediment #1- Lack of affordable housing

One of the components to providing fair housing is providing a variety of housing that is affordable to people of all races, ethnicities, religious affiliations, gender, and income levels. According to HUD, the median income and the Fair Market Rent for the area determine low-moderate income status. In New Brunswick, approximately seventy-six (76%) percent of the City's rental population are low-moderate income. Furthermore, when a household pays more than 30% of their income towards housing, HUD considers it no longer "affordable". The 2008-2012 American Community Survey shows that sixty-six (66%) of rental households pay 30% or more for their gross rent. This figure is skewed due to the student households, which often have other means of rent support than reported income. However, a high percentage of rental households face a rent burden of 30% or more of their income.

Current/Short Term Actions:

- Use of rent control measures to limit unlawful rent increases above the consumer price index increases
- Maintain existing and seek out new public/private partnerships for the development of affordable housing
- Expansion of existing rental assistance programs

Long Term Actions:

- Maintain zoning policies and housing development at moderate and high densities to reduce per unit costs and encourage the construction of affordable housing
- Expansion of homeownership assistance programs, i.e., "Live where you work"

Impediment #2 – Immigrant populations whose language and cultural barriers combine with a lack of affordable housing to create unique fair housing impediments

The City of New Brunswick has a diverse population with residents represented by many different nationalities and languages. According to the 2008-2012 American Community Survey, it is determined that approximately 36.6% of the population speaks English less than “very well” at home. Thus, this creates a fair housing impediment due to communicational challenges. The following actions are intended to help further fair housing:

Immediate Actions:

- Developed a Language Assistance Plan (LAP) to assist residents who are Limited English Proficient (LEP) in interacting with Federally-funded programs

Long Term Actions:

- Fair Housing services, such as PRAB, require the presence of bilingual staff for LMI prospective and current residents

Impediment #3- Lack of Property Owner Education about Fair Housing Laws

The City of New Brunswick’s housing tenure is dominantly a rental-occupied community with a 76.4% rental rate. Entities such as PRAB’s Housing Coalition Unit have placed emphasis on educating tenants on their rights and how to take action if they feel their rights have been infringed upon. There has been little or no formalized effort in educating property owners about fair housing laws and what constitutes discrimination. Proper education of property owners could help minimize blatant infringements of tenant’s rights as well as the “I did not know I couldn’t do that” situations. The following actions should help further fair housing:

Immediate Actions:

- Provision of informational materials on fair housing to rental property owners through mailings and electronic sources

Long Term Actions:

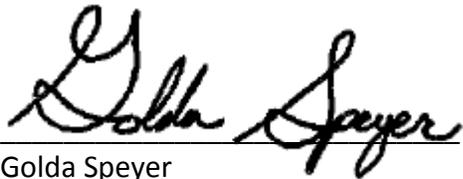
- Work with local agencies to provide fair housing seminars and outreach programs to the owners of rental properties
- Development of a central person/place for property owners to contact with questions regarding fair housing

VI. Conclusions and Recommendations

The data provided by HUD and the conversations with the staff at as PRAB's Housing Coalition Unit indicate that cases (reported) of fair housing discrimination in the City of New Brunswick are infrequent. The City of New Brunswick will analyze the Analysis of Impediments document periodically to identify the current policies, practices and procedures that may have a negative effect on fair housing within our jurisdiction. The City will amend and revise, as necessary, the implementation of the goals and objectives within the Consolidated Plan to affirmatively further fair housing.

VII. Signature Page

The City of New Brunswick has conducted an Analysis of Impediments to Fair Housing Choice in accordance with the U.S. Department of Housing and Urban Development (HUD) publication Fair Housing Planning Guide.

A handwritten signature in black ink that reads "Golda Speyer". The signature is written in a cursive style with a horizontal line underneath the name.

Golda Speyer
Community Development Administrator

October 22, 2014
Date

Appendix

Federal Fair Housing Act

FAIR HOUSING ACT (as amended)
(Title VIII of the 1968 Civil Rights Act)

Sec. 800. [42 U.S.C. 3601 note] Short Title

This title may be cited as the "Fair Housing Act".

Sec. 801. [42 U.S.C. 3601] Declaration of Policy

It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

Sec. 802. [42 U.S.C. 3602] Definitions

As used in this subchapter--

- (a) "Secretary" means the Secretary of Housing and Urban Development.
- (b) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (c) "Family" includes a single individual.
- (d) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11 [of the United States Code], receivers, and fiduciaries.
- (e) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
- (f) "Discriminatory housing practice" means an act that is unlawful under section 804, 805, 806, or 818 of this title.
- (g) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.
- (h) "Handicap" means, with respect to a person--
 - (1) a physical or mental impairment which substantially limits one or more of such person's major life activities,
 - (2) a record of having such an impairment, or
 - (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).
- (i) "Aggrieved person" includes any person who--
 - (1) claims to have been injured by a discriminatory housing practice; or
 - (2) believes that such person will be injured by a discriminatory housing practice that is about to occur.
- (j) "Complainant" means the person (including the Secretary) who files a complaint under section 810.
- (k) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with--
 - (1) a parent or another person having legal custody of such individual or individuals; or

(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

(l) "Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the Secretary.

(m) "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

(n) "Respondent" means--

(1) the person or other entity accused in a complaint of an unfair housing practice; and

(2) any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under section 810(a).

(o) "Prevailing party" has the same meaning as such term has in section 722 of the Revised Statutes of the United States (42 U.S.C. 1988).

[42 U.S.C. 3602 note] Neither the term "individual with handicaps" nor the term "handicap" shall apply to an individual solely because that individual is a transvestite.

Sec. 803. [42 U.S.C. 3603] Effective dates of certain prohibitions

(a) Subject to the provisions of subsection (b) of this section and section 807 of this title, the prohibitions against discrimination in the sale or rental of housing set forth in section 804 of this title shall apply:

(1) Upon enactment of this subchapter, to--

(A) dwellings owned or operated by the Federal Government;

(B) dwellings provided in whole or in part with the aid of loans, advances, grants, or contributions made by the Federal Government, under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to April 11, 1968;

(C) dwellings provided in whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the Federal Government, under agreements entered into after November 20, 1962, unless payment thereon has been made in full prior to April 11, 1968: **Provided**, That nothing contained in subparagraphs (B) and (C) of this subsection shall be applicable to dwellings solely by virtue of the fact that they are subject to mortgages held by an FDIC or FSLIC institution; and

(D) dwellings provided by the development or the redevelopment of real property purchased, rented, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under loan or grant contracts entered into after November 20, 1962.

(2) After December 31, 1968, to all dwellings covered by paragraph (1) and to all other dwellings except as exempted by subsection (b) of this section.

(b) Nothing in section 804 of this title (other than subsection (c)) shall apply to--

(1) any single- family house sold or rented by an owner: **Provided**, That such private individual owner does not own more than three such single-family houses at any one time: **Provided further**, That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: **Provided further**, That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single- family houses at any one time: **Provided further**, That after December 31, 1969, the sale or rental of any such single- family house shall be excepted from the application of this subchapter only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 804(c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) For the purposes of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting dwellings if--

- (1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
- (2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
- (3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

Sec. 804. [42 U.S.C. 3604] Discrimination in sale or rental of housing and other prohibited practices

As made applicable by section 803 of this title and except as exempted by sections 803(b) and 807 of this title, it shall be unlawful--

- (a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.

- (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.
- (c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
- (d) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.
- (f)
- (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of--
 - (A) that buyer or renter,
 - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (C) any person associated with that buyer or renter.
 - (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of--
 - (A) that person; or
 - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (C) any person associated with that person.
 - (3) For purposes of this subsection, discrimination includes--
 - (A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
 - (B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - (C) in connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is 30 months after the date of enactment of the Fair Housing Amendments Act of 1988, a failure to design and construct those dwelling in such a manner that--

(i) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

(ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(iii) all premises within such dwellings contain the following features of adaptive design:

- (I) an accessible route into and through the dwelling;
- (II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
- (III) reinforcements in bathroom walls to allow later installation of grab bars; and
- (IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of paragraph (3)(C)(iii).

(5)

(A) If a State or unit of general local government has incorporated into its laws the requirements set forth in paragraph (3)(C), compliance with such laws shall be deemed to satisfy the requirements of that paragraph.

(B) A State or unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of paragraph (3)(C) are met.

(C) The Secretary shall encourage, but may not require, States and units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with paragraph (3)(C), and shall provide technical assistance to States and units of local government and other persons to implement the requirements of paragraph (3)(C).

(D) Nothing in this title shall be construed to require the Secretary to review or approve the plans, designs or construction of all covered multifamily dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of paragraph 3(C).

(6)

(A) Nothing in paragraph (5) shall be construed to affect the authority and responsibility of the Secretary or a State or local public agency certified pursuant to section 810(f)(3) of this Act to receive and process complaints or otherwise engage in enforcement activities under this title.

(B) Determinations by a State or a unit of general local government under paragraphs (5)(A) and (B) shall not be conclusive in enforcement proceedings under this title.

(7) As used in this subsection, the term "covered multifamily dwellings" means--

(A) buildings consisting of 4 or more units if such buildings have one or more elevators; and

(B) ground floor units in other buildings consisting of 4 or more units.

(8) Nothing in this title shall be construed to invalidate or limit any law of a State or political subdivision of a State, or other jurisdiction in which this title shall be effective, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this title.

(9) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Sec. 805. [42 U.S.C. 3605] Discrimination in Residential Real Estate-Related Transactions

(a) In General.--It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(b) Definition.--As used in this section, the term "residential real estate-related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance--

(A) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(B) secured by residential real estate.

(2) The selling, brokering, or appraising of residential real property.

(c) Appraisal Exemption.--Nothing in this title prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

Sec. 806. [42 U.S.C. 3606] Discrimination in provision of brokerage services

After December 31, 1968, it shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status, or national origin.

Sec. 807. [42 U.S.C. 3607] Religious organization or private club exemption

(a) Nothing in this subchapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this subchapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting

the rental or occupancy of such lodgings to its members or from giving preference to its members.

(b)

(1) Nothing in this title limits the applicability of any reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this title regarding familial status apply with respect to housing for older persons.

(2) As used in this section "housing for older persons" means housing --

(A) provided under any State or Federal program that the Secretary determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or

(B) intended for, and solely occupied by, persons 62 years of age or older; or

(C) intended and operated for occupancy by persons 55 years of age or older, and--

(i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;

(ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and

(iii) the housing facility or community complies with rules issued by the Secretary for verification of occupancy, which shall--

(I) provide for verification by reliable surveys and affidavits; and

(II) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

(3) Housing shall not fail to meet the requirements for housing for older persons by reason of:

(A) persons residing in such housing as of the date of enactment of this Act who do not meet the age requirements of subsections (2)(B) or (C):

Provided, That new occupants of such housing meet the age requirements of sections (2)(B) or (C); or

(B) unoccupied units: **Provided**, That such units are reserved for occupancy by persons who meet the age requirements of subsections (2)(B) or (C).

(4) Nothing in this title prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(5)

(A) A person shall not be held personally liable for monetary damages for a violation of this title if such person reasonably relied, in good faith, on

the application of the exemption under this subsection relating to housing for older persons.

(B) For the purposes of this paragraph, a person may only show good faith reliance on the application of the exemption by showing that--

- (i) such person has no actual knowledge that the facility or community is not, or will not be, eligible for such exemption; and
- (ii) the facility or community has stated formally, in writing, that the facility or community complies with the requirements for such exemption.

Sec. 808. [42 U.S.C. 3608] Administration

(a) Authority and responsibility

The authority and responsibility for administering this Act shall be in the Secretary of Housing and Urban Development.

(b) Assistant Secretary

The Department of Housing and Urban Development shall be provided an additional Assistant Secretary.

(c) Delegation of authority; appointment of administrative law judges; location of conciliation meetings; administrative review

The Secretary may delegate any of his functions, duties and power to employees of the Department of Housing and Urban Development or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this subchapter. The person to whom such delegations are made with respect to hearing functions, duties, and powers shall be appointed and shall serve in the Department of Housing and Urban Development in compliance with sections 3105, 3344, 5372, and 7521 of title 5 [of the United States Code]. Insofar as possible, conciliation meetings shall be held in the cities or other localities where the discriminatory housing practices allegedly occurred. The Secretary shall by rule prescribe such rights of appeal from the decisions of his administrative law judges to other administrative law judges or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(d) Cooperation of Secretary and executive departments and agencies in administration of housing and urban development programs and activities to further fair housing purposes All executive departments and agencies shall administer their programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) in a manner affirmatively to further the purposes of this subchapter and shall cooperate with the Secretary to further such purposes.

(e) Functions of Secretary

The Secretary of Housing and Urban Development shall--

(1) make studies with respect to the nature and extent of discriminatory housing practices in representative communities, urban, suburban, and rural, throughout the United States;

(2) publish and disseminate reports, recommendations, and information derived from such studies, including an annual report to the Congress--

- (A) specifying the nature and extent of progress made nationally in eliminating discriminatory housing practices and furthering the purposes of this title, obstacles remaining to achieving equal housing opportunity, and recommendations for further legislative or executive action; and
- (B) containing tabulations of the number of instances (and the reasons therefor) in the preceding year in which--
 - (i) investigations are not completed as required by section 810(a)(1)(B);
 - (ii) determinations are not made within the time specified in section 810(g); and
 - (iii) hearings are not commenced or findings and conclusions are not made as required by section 812(g);
- (3) cooperate with and render technical assistance to Federal, State, local, and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;
- (4) cooperate with and render such technical and other assistance to the Community Relations Service as may be appropriate to further its activities in preventing or eliminating discriminatory housing practices;
- (5) administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this subchapter; and
- (6) annually report to the Congress, and make available to the public, data on the race, color, religion, sex, national origin, age, handicap, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of, programs administered by the Department to the extent such characteristics are within the coverage of the provisions of law and Executive orders referred to in subsection (f) which apply to such programs (and in order to develop the data to be included and made available to the public under this subsection, the Secretary shall, without regard to any other provision of law, collect such information relating to those characteristics as the Secretary determines to be necessary or appropriate).
- (f) The provisions of law and Executive orders to which subsection (e)(6) applies are--
 - (1) title VI of the Civil Rights Act of 1964;
 - (2) title VIII of the Civil Rights Act of 1968;
 - (3) section 504 of the Rehabilitation Act of 1973;
 - (4) the Age Discrimination Act of 1975;
 - (5) the Equal Credit Opportunity Act;
 - (6) section 1978 of the Revised Statutes (42 U.S.C. 1982);
 - (7) section 8(a) of the Small Business Act;
 - (8) section 527 of the National Housing Act;
 - (9) section 109 of the Housing and Community Development Act of 1974;
 - (10) section 3 of the Housing and Urban Development Act of 1968;
 - (11) Executive Orders 11063, 11246, 11625, 12250, 12259, and 12432; and
 - (12) any other provision of law which the Secretary specifies by publication in the Federal Register for the purpose of this subsection.

Sec. 808a. [42 U.S.C. 3608a] Collection of certain data

(a) In general

To assess the extent of compliance with Federal fair housing requirements (including the requirements established under title VI of Public Law 88-352 [42 U.S.C.A. {2000d et seq.}] and title VIII of Public Law 90-284 [42 U.S.C.A. {3601 et seq.}], the Secretary of Housing and Urban Development and the Secretary of Agriculture shall each collect, not less than annually, data on the racial and ethnic characteristics of persons eligible for, assisted, or otherwise benefiting under each community development, housing assistance, and mortgage and loan insurance and guarantee program administered by such Secretary. Such data shall be collected on a building by building basis if the Secretary involved determines such collection to be appropriate.

(b) Reports to Congress

The Secretary of Housing and Urban Development and the Secretary of Agriculture shall each include in the annual report of such Secretary to the Congress a summary and evaluation of the data collected by such Secretary under subsection (a) of this section during the preceding year.

Sec. 809. [42 U.S.C. 3609] Education and conciliation; conferences and consultations; reports

Immediately after April 11, 1968, the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this subchapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this subchapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. He may pay per diem, travel, and transportation expenses for persons attending such conferences as provided in section 5703 of Title 5. He shall consult with State and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their State or locality, and whether and how State or local enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Secretary's enforcement of this subchapter. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

Sec. 810. [42 U.S.C. 3610] Administrative Enforcement; Preliminary Matters

(a) Complaints and Answers. --

(1)

(A)

(i) An aggrieved person may, not later than one year after an alleged discriminatory housing practice has occurred or terminated, file a complaint with the Secretary alleging such discriminatory housing practice. The Secretary, on the Secretary's own initiative, may also file such a complaint.

(ii) Such complaints shall be in writing and shall contain such information and be in such form as the Secretary requires.

(iii) The Secretary may also investigate housing practices to determine whether a complaint should be brought under this section.

(B) Upon the filing of such a complaint--

- (i) the Secretary shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under this title;
- (ii) the Secretary shall, not later than 10 days after such filing or the identification of an additional respondent under paragraph (2), serve on the respondent a notice identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of respondents under this title, together with a copy of the original complaint;
- (iii) each respondent may file, not later than 10 days after receipt of notice from the Secretary, an answer to such complaint; and
- (iv) the Secretary shall make an investigation of the alleged discriminatory housing practice and complete such investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), unless it is impracticable to do so.

(C) If the Secretary is unable to complete the investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.

(D) Complaints and answers shall be under oath or affirmation, and may be reasonably and fairly amended at any time.

(2)

(A) A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under paragraph (1), to such person, from the Secretary.

(B) Such notice, in addition to meeting the requirements of paragraph (1), shall explain the basis for the Secretary's belief that the person to whom the notice is addressed is properly joined as a respondent.

(b) Investigative Report and Conciliation. --

(1) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Secretary, the Secretary shall, to the extent feasible, engage in conciliation with respect to such complaint.

(2) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the Secretary.

(3) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

(4) Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Secretary determines that disclosure is not required to further the purposes of this title.

(5)

(A) At the end of each investigation under this section, the Secretary shall prepare a final investigative report containing--

- (i) the names and dates of contacts with witnesses;
- (ii) a summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;
- (iii) a summary description of other pertinent records;
- (iv) a summary of witness statements; and
- (v) answers to interrogatories.

(B) A final report under this paragraph may be amended if additional evidence is later discovered.

(c) Failure to Comply With Conciliation Agreement. -- Whenever the Secretary has reasonable cause to believe that a respondent has breached a conciliation agreement, the Secretary shall refer the matter to the Attorney General with a recommendation that a civil action be filed under section 814 for the enforcement of such agreement.

(d) Prohibitions and Requirements With Respect to Disclosure of Information. --

(1) Nothing said or done in the course of conciliation under this title may be made public or used as evidence in a subsequent proceeding under this title without the written consent of the persons concerned.

(2) Notwithstanding paragraph (1), the Secretary shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the Secretary's investigation, information derived from an investigation and any final investigative report relating to that investigation.

(e) Prompt Judicial Action. --

(1) If the Secretary concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this title, the Secretary may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. Upon receipt of such authorization, the Attorney General shall promptly commence and maintain such an action. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the Federal Rules of Civil Procedure. The commencement of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under this section and section 812 of this title.

(2) Whenever the Secretary has reason to believe that a basis may exist for the commencement of proceedings against any respondent under section 814(a) and 814(c) or for proceedings by any governmental licensing or supervisory authorities, the Secretary shall transmit the information upon which such belief is based to the Attorney General, or to such authorities, as the case may be.

(f) Referral for State or Local Proceedings. --

(1) Whenever a complaint alleges a discriminatory housing practice--

(A) within the jurisdiction of a State or local public agency; and

(B) as to which such agency has been certified by the Secretary under this subsection; the Secretary shall refer such complaint to that certified agency before taking any action with respect to such complaint.

(2) Except with the consent of such certified agency, the Secretary, after that referral is made, shall take no further action with respect to such complaint unless--

(A) the certified agency has failed to commence proceedings with respect to the complaint before the end of the 30th day after the date of such referral;

(B) the certified agency, having so commenced such proceedings, fails to carry forward such proceedings with reasonable promptness; or

(C) the Secretary determines that the certified agency no longer qualifies for certification under this subsection with respect to the relevant jurisdiction.

(3)

(A) The Secretary may certify an agency under this subsection only if the Secretary determines that--

(i) the substantive rights protected by such agency in the jurisdiction with respect to which certification is to be made;

(ii) the procedures followed by such agency;

(iii) the remedies available to such agency; and

(iv) the availability of judicial review of such agency's action; are substantially equivalent to those created by and under this title.

(B) Before making such certification, the Secretary shall take into account the current practices and past performance, if any, of such agency.

(4) During the period which begins on the date of the enactment of the Fair Housing Amendments Act of 1988 and ends 40 months after such date, each agency certified (including an agency certified for interim referrals pursuant to 24 CFR 115.11, unless such agency is subsequently denied recognition under 24 CFR 115.7) for the purposes of this title on the day before such date shall for the purposes of this subsection be considered certified under this subsection with respect to those matters for which such agency was certified on that date. If the Secretary determines in an individual case that an agency has not been able to meet the certification requirements within this 40-month period due to exceptional circumstances, such as the infrequency of legislative sessions in that jurisdiction, the Secretary may extend such period by not more than 8 months.

(5) Not less frequently than every 5 years, the Secretary shall determine whether each agency certified under this subsection continues to qualify for certification. The Secretary shall take appropriate action with respect to any agency not so qualifying.

(g) Reasonable Cause Determination and Effect. --

(1) The Secretary shall, within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, unless it is

impracticable to do so, or unless the Secretary has approved a conciliation agreement with respect to the complaint. If the Secretary is unable to make the determination within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.

(2)

(A) If the Secretary determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall, except as provided in subparagraph (C), immediately issue a charge on behalf of the aggrieved person, for further proceedings under section 812.

(B) Such charge--

- (i) shall consist of a short and plain statement of the facts upon which the Secretary has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;
- (ii) shall be based on the final investigative report; and
- (iii) need not be limited to the facts or grounds alleged in the complaint filed under section 810(a).

(C) If the Secretary determines that the matter involves the legality of any State or local zoning or other land use law or ordinance, the Secretary shall immediately refer the matter to the Attorney General for appropriate action under section 814, instead of issuing such charge.

(3) If the Secretary determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall promptly dismiss the complaint. The Secretary shall make public disclosure of each such dismissal.

(4) The Secretary may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

(h) Service of Copies of Charge. -- After the Secretary issues a charge under this section, the Secretary shall cause a copy thereof, together with information as to how to make an election under section 812(a) and the effect of such an election, to be served--

- (1) on each respondent named in such charge, together with a notice of opportunity for a hearing at a time and place specified in the notice, unless that election is made; and
- (2) on each aggrieved person on whose behalf the complaint was filed.

Sec. 811. [42 U.S.C. 3611] Subpoenas; Giving of Evidence

(a) In General. -- The Secretary may, in accordance with this subsection, issue subpoenas and order discovery in aid of investigations and hearings under this title. Such subpoenas and discovery may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or discovery were ordered or served in aid of a civil action in the United States district court for the district in which the investigation is taking place.

(b) **Witness Fees.** -- Witnesses summoned by a subpoena under this title shall be entitled to same witness and mileage fees as witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a party shall be paid by that party or, where a party is unable to pay the fees, by the Secretary.

(c) **Criminal Penalties.** --

(1) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if it is in such person's power to do so, in obedience to the subpoena or other lawful order under subsection (a), shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

(2) Any person who, with intent thereby to mislead another person in any proceeding under this title--

(A) makes or causes to be made any false entry or statement of fact in any report, account, record, or other document produced pursuant to subpoena or other lawful order under subsection (a);

(B) willfully neglects or fails to make or to cause to be made full, true, and correct entries in such reports, accounts, records, or other documents; or

(C) willfully mutilates, alters, or by any other means falsifies any documentary evidence;

shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

Sec. 812. [42 U.S.C. 3612] Enforcement by Secretary

(a) **Election of Judicial Determination.** -- When a charge is filed under section 810, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed, may elect to have the claims asserted in that charge decided in a civil action under subsection (o) in lieu of a hearing under subsection (b). The election must be made not later than 20 days after the receipt by the electing person of service under section 810(h) or, in the case of the Secretary, not later than 20 days after such service. The person making such election shall give notice of doing so to the Secretary and to all other complainants and respondents to whom the charge relates.

(b) **Administrative Law Judge Hearing in Absence of Election.** -- If an election is not made under subsection (a) with respect to a charge filed under section 810, the Secretary shall provide an opportunity for a hearing on the record with respect to a charge issued under section 810. The Secretary shall delegate the conduct of a hearing under this section to an administrative law judge appointed under section 3105 of title 5, United States Code. The administrative law judge shall conduct the hearing at a place in the vicinity in which the discriminatory housing practice is alleged to have occurred or to be about to occur.

(c) **Rights of Parties.** -- At a hearing under this section, each party may appear in person, be represented by counsel, present evidence, cross-examine witnesses, and obtain the issuance of subpoenas under section 811. Any aggrieved person may intervene as a party in the proceeding. The Federal Rules of Evidence apply to the presentation of evidence in such hearing as they would in a civil action in a United States district court.

(d) **Expedited Discovery and Hearing.** --

(1) Discovery in administrative proceedings under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence.

(2) A hearing under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record.

(3) The Secretary shall, not later than 180 days after the date of enactment of this subsection, issue rules to implement this subsection.

(e) Resolution of Charge. -- Any resolution of a charge before a final order under this section shall require the consent of the aggrieved person on whose behalf the charge is issued.

(f) Effect of Trial of Civil Action on Administrative Proceedings. -- An administrative law judge may not continue administrative proceedings under this section regarding any alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

(g) Hearings, Findings and Conclusions, and Order. -- (

(1) The administrative law judge shall commence the hearing under this section no later than 120 days following the issuance of the charge, unless it is impracticable to do so. If the administrative law judge is unable to commence the hearing within 120 days after the issuance of the charge, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.

(2) The administrative law judge shall make findings of fact and conclusions of law within 60 days after the end of the hearing under this section, unless it is impracticable to do so. If the administrative law judge is unable to make findings of fact and conclusions of law within such period, or any succeeding 60-day period thereafter, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.

(3) If the administrative law judge finds that a respondent has engaged or is about to engage in a discriminatory housing practice, such administrative law judge shall promptly issue an order for such relief as may be appropriate, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent--

(A) in an amount not exceeding \$11,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;

(B) in an amount not exceeding \$27,500 if the respondent has been adjudged to have committed one other discriminatory housing practice during the 5-year period ending on the date of the filing of this charge; and

(C) in an amount not exceeding \$55,000 if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the filing of this charge;

except that if the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same natural person who has been previously adjudged

to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in subparagraphs (B) and (C) may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

(4) No such order shall affect any contract, sale, encumbrance, or lease consummated before the issuance of such order and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the charge filed under this title.

(5) In the case of an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the Secretary shall, not later than 30 days after the date of the issuance of such order (or, if such order is judicially reviewed, 30 days after such order is in substance affirmed upon such review)--

(A) send copies of the findings of fact, conclusions of law, and the order, to that governmental agency; and

(B) recommend to that governmental agency appropriate disciplinary action (including, where appropriate, the suspension or revocation of the license of the respondent).

(6) In the case of an order against a respondent against whom another order was issued within the preceding 5 years under this section, the Secretary shall send a copy of each such order to the Attorney General.

(7) If the administrative law judge finds that the respondent has not engaged or is not about to engage in a discriminatory housing practice, as the case may be, such administrative law judge shall enter an order dismissing the charge. The Secretary shall make public disclosure of each such dismissal.

(h) Review by Secretary; Service of Final Order. --

(1) The Secretary may review any finding, conclusion, or order issued under subsection (g). Such review shall be completed not later than 30 days after the finding, conclusion, or order is so issued; otherwise the finding, conclusion, or order becomes final.

(2) The Secretary shall cause the findings of fact and conclusions of law made with respect to any final order for relief under this section, together with a copy of such order, to be served on each aggrieved person and each respondent in the proceeding.

(i) Judicial Review. --

(1) Any party aggrieved by a final order for relief under this section granting or denying in whole or in part the relief sought may obtain a review of such order under chapter 158 of title 28, United States Code.

(2) Notwithstanding such chapter, venue of the proceeding shall be in the judicial circuit in which the discriminatory housing practice is alleged to have occurred, and filing of the petition for review shall be not later than 30 days after the order is entered.

(j) Court Enforcement of Administrative Order Upon Petition by Secretary. --

(1) The Secretary may petition any United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred or in which any respondent resides or transacts business for the enforcement of the order of the administrative law judge and for appropriate temporary relief or restraining

order, by filing in such court a written petition praying that such order be enforced and for appropriate temporary relief or restraining order.

(2) The Secretary shall file in court with the petition the record in the proceeding. A copy of such petition shall be forthwith transmitted by the clerk of the court to the parties to the proceeding before the administrative law judge.

(k) Relief Which May Be Granted. --

(1) Upon the filing of a petition under subsection (i) or (j), the court may--

(A) grant to the petitioner, or any other party, such temporary relief, restraining order, or other order as the court deems just and proper;

(B) affirm, modify, or set aside, in whole or in part, the order, or remand the order for further proceedings; and

(C) enforce such order to the extent that such order is affirmed or modified.

(2) Any party to the proceeding before the administrative law judge may intervene in the court of appeals.

(3) No objection not made before the administrative law judge shall be considered by the court, unless the failure or neglect to urge such objection is excused because of extraordinary circumstances.

(l) Enforcement Decree in Absence of Petition for Review. -- If no petition for review is filed under subsection (i) before the expiration of 45 days after the date the administrative law judge's order is entered, the administrative law judge's findings of fact and order shall be conclusive in connection with any petition for enforcement--

(1) which is filed by the Secretary under subsection (j) after the end of such day; or

(2) under subsection (m).

(m) Court Enforcement of Administrative Order Upon Petition of Any Person Entitled to Relief. -- If before the expiration of 60 days after the date the administrative law judge's order is entered, no petition for review has been filed under subsection (i), and the Secretary has not sought enforcement of the order under subsection (j), any person entitled to relief under the order may petition for a decree enforcing the order in the United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred.

(n) Entry of Decree. -- The clerk of the court of appeals in which a petition for enforcement is filed under subsection (l) or (m) shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary, the respondent named in the petition, and to any other parties to the proceeding before the administrative law judge.

(o) Civil Action for Enforcement When Election Is Made for Such Civil Action. --

(1) If an election is made under subsection (a), the Secretary shall authorize, and not later than 30 days after the election is made the Attorney General shall commence and maintain, a civil action on behalf of the aggrieved person in a United States district court seeking relief under this subsection. Venue for such civil action shall be determined under chapter 87 of title 28, United States Code.

(2) Any aggrieved person with respect to the issues to be determined in a civil action under this subsection may intervene as of right in that civil action.

(3) In a civil action under this subsection, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief which a court could grant with respect to such discriminatory housing practice in a civil action under section 813. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under section 813 shall also accrue to that aggrieved person in a civil action under this subsection. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court shall not award such relief if that aggrieved person has not complied with discovery orders entered by the court.

(p) Attorney's Fees. -- In any administrative proceeding brought under this section, or any court proceeding arising therefrom, or any civil action under section 812, the administrative law judge or the court, as the case may be, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 504 of title 5, United States Code, or by section 2412 of title 28, United States Code.

Sec. 813. [42 U.S.C. 3613] Enforcement by Private Persons

(a) Civil Action. --

(1)

(A) An aggrieved person may commence a civil action in an appropriate United States district court or State court not later than 2 years after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this title, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach.

(B) The computation of such 2-year period shall not include any time during which an administrative proceeding under this title was pending with respect to a complaint or charge under this title based upon such discriminatory housing practice. This subparagraph does not apply to actions arising from a breach of a conciliation agreement.

(2) An aggrieved person may commence a civil action under this subsection whether or not a complaint has been filed under section 810(a) and without regard to the status of any such complaint, but if the Secretary or a State or local agency has obtained a conciliation agreement with the consent of an aggrieved person, no action may be filed under this subsection by such aggrieved person with respect to the alleged discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such an agreement.

(3) An aggrieved person may not commence a civil action under this subsection with respect to an alleged discriminatory housing practice which forms the basis of a charge issued by the Secretary if an administrative law judge has commenced a hearing on the record under this title with respect to such charge.

(b) Appointment of Attorney by Court. -- Upon application by a person alleging a discriminatory housing practice or a person against whom such a practice is alleged, the court may--

(1) appoint an attorney for such person; or

(2) authorize the commencement or continuation of a civil action under subsection (a) without the payment of fees, costs, or security, if in the opinion of the court such person is financially unable to bear the costs of such action.

(c) Relief Which May Be Granted. --

(1) In a civil action under subsection (a), if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, and subject to subsection (d), may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order (including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate).

(2) In a civil action under subsection (a), the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the same extent as a private person.

(d) Effect on Certain Sales, Encumbrances, and Rentals. -- Relief granted under this section shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of the filing of a complaint with the Secretary or civil action under this title.

(e) Intervention by Attorney General. -- Upon timely application, the Attorney General may intervene in such civil action, if the Attorney General certifies that the case is of general public importance. Upon such intervention the Attorney General may obtain such relief as would be available to the Attorney General under section 814(e) in a civil action to which such section applies.

Sec. 814. [42 U.S.C. 3614] Enforcement by the Attorney General

(a) Pattern or Practice Cases. -- Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this title, or that any group of persons has been denied any of the rights granted by this title and such denial raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States district court.

(b) On Referral of Discriminatory Housing Practice or Conciliation Agreement for Enforcement. --

(1)

(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to a discriminatory housing practice referred to the Attorney General by the Secretary under section 810(g).

(B) A civil action under this paragraph may be commenced not later than the expiration of 18 months after the date of the occurrence or the termination of the alleged discriminatory housing practice.

(2)

(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to breach of

a conciliation agreement referred to the Attorney General by the Secretary under section 810(c).

(B) A civil action may be commenced under this paragraph not later than the expiration of 90 days after the referral of the alleged breach under section 810(c).

(c) Enforcement of Subpoenas. -- The Attorney General, on behalf of the Secretary, or other party at whose request a subpoena is issued, under this title, may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(d) Relief Which May Be Granted in Civil Actions Under Subsections (a) and (b). --

(1) In a civil action under subsection (a) or (b), the court--

(A) may award such preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this title as is necessary to assure the full enjoyment of the rights granted by this title;

(B) may award such other relief as the court deems appropriate, including monetary damages to persons aggrieved; and

(C) may, to vindicate the public interest, assess a civil penalty against the respondent--

(i) in an amount not exceeding \$55,000, for a first violation; and

(ii) in an amount not exceeding \$110,000, for any subsequent violation.

(2) In a civil action under this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 2412 of title 28, United States Code.

(e) Intervention in Civil Actions. -- Upon timely application, any person may intervene in a civil action commenced by the Attorney General under subsection (a) or (b) which involves an alleged discriminatory housing practice with respect to which such person is an aggrieved person or a conciliation agreement to which such person is a party. The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a plaintiff in a civil action under section 813.

Sec. 814a. Incentives for Self-Testing and Self-Correction

(a) Privileged Information. --

(1) Conditions For Privilege. -- A report or result of a self- test (as that term is defined by regulation of the Secretary) shall be considered to be privileged under paragraph (2) if any person-

(A) conducts, or authorizes an independent third party to conduct, a self-test of any aspect of a residential real estate related lending transaction of that person, or any part of that transaction, in order to determine the level or effectiveness of compliance with this title by that person; and

(B) has identified any possible violation of this title by that person and has taken, or is taking, appropriate corrective action to address any such possible violation.

(2) Privileged Self-Test. -- If a person meets the conditions specified in subparagraphs (A) and (B) of paragraph (1) with respect to a self-test described in that paragraph, any report or results of that self- test-

(A) shall be privileged; and

(B) may not be obtained or used by any applicant, department, or agency in any --

(i) proceeding or civil action in which one or more violations of this title are alleged; or

(ii) examination or investigation relating to compliance with this title.

(b) Results of Self- Testing. --

(1) In General. -- No provision of this section may be construed to prevent an aggrieved person, complainant, department, or agency from obtaining or using a report or results of any self- test in any proceeding or civil action in which a violation of this title is alleged, or in any examination or investigation of compliance with this title if --

(A) the person to whom the self-test relates or any person with lawful access to the report or the results --

(i) voluntarily releases or discloses all, or any part of, the report or results to the aggrieved person, complainant, department, or agency, or to the general public; or

(ii) refers to or describes the report or results as a defense to charges of violations of this title against the person to whom the self-test relates; or

(B) the report or results are sought in conjunction with an adjudication or admission of a violation of this title for the sole purpose of determining an appropriate penalty or remedy.

(2) Disclosure for Determination of Penalty or Remedy. -- Any report or results of a self-test that are disclosed for the purpose specified in paragraph (1)(B) --

(A) shall be used only for the particular proceeding in which the adjudication or admission referred to in paragraph (1)(B) is made; and

(B) may not be used in any other action or proceeding.

(c) Adjudication. -- An aggrieved person, complainant, department, or agency that challenges a privilege asserted under this section may seek a determination of the existence and application of that privilege in --

(1) a court of competent jurisdiction; or

(2) an administrative law proceeding with appropriate jurisdiction.

(2) Regulations. --

(A) In General. -- Not later than 6 months after the date of enactment of this Act, in consultation with the Board and after providing notice and an opportunity for public comment, the Secretary of Housing and Urban Development shall prescribe final regulations to implement section 814A of the Fair Housing Act, as added by this section.

(B) Self- Test. --

(i) Definition. -- The regulations prescribed by the Secretary under subparagraph (A) shall include a definition of the term "self- test"

for purposes of section 814A of the Fair Housing Act, as added by this section.

(ii) Requirement for Self- Test. -- The regulations prescribed by the Secretary under subparagraph (A) shall specify that a self- test shall be sufficiently extensive to constitute a determination of the level and effectiveness of the compliance by a person engaged in residential real estate related lending activities with the Fair Housing Act.

(iii) Substantial Similarity to Certain Equal Credit Opportunity Act Regulations. -- The regulations prescribed under subparagraph (A) shall be substantially similar to the regulations prescribed by the Board to carry out section 704A of the Equal Credit Opportunity Act, as added by this section.

(C) Applicability. --

(1) In General. -- Except as provided in paragraph (2), the privilege provided for in section 704a of the Equal Credit Opportunity Act or section 814a of the Fair Housing Act (as those sections are added by this section) shall apply to a self-test (as that term is defined pursuant to the regulations prescribed under subsection (a)(2) or (b)(2) of this section, as appropriate) conducted before, on, or after the effective date of the regulations prescribed under subsection (a)(2) or (b)(2), as appropriate.

(2) Exception. -- The privilege referred to in paragraph (1) does not apply to such a self-test conducted before the effective date of the regulations prescribed under subsection (a) or (b), as appropriate, if

--

(A) before that effective date, a complaint against the creditor or person engaged in residential real estate related lending activities (as the case may be) was --

(i) formally filed in any court of competent jurisdiction; or

(ii) the subject of an ongoing administrative law proceeding;

(B) in the case of section 704a of the Equal Credit Opportunity Act, the creditor has waived the privilege pursuant to subsection (b)(1)(A)(i) of that section; or

(C) in the case of section 814a of the Fair Housing Act, the person engaged in residential real estate related lending activities has waived the privilege pursuant to subsection (b)(1)(A)(i) of that section.

Sec. 815. [42 U.S.C. 3614a] Rules to Implement Title

The Secretary may make rules (including rules for the collection, maintenance, and analysis of appropriate data) to carry out this title. The Secretary shall give public notice and opportunity for comment with respect to all rules made under this section.

Sec. 816. [42 U.S.C. 3615] Effect on State laws

Nothing in this subchapter shall be constructed to invalidate or limit any law of a State or political subdivision of a State, or of any other jurisdiction in which this subchapter shall be effective, that grants, guarantees, or protects the same rights as are granted by this subchapter; but any law of a State, a political subdivision, or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this subchapter shall to that extent be invalid.

Sec. 817. [42 U.S.C. 3616] Cooperation with State and local agencies administering fair housing laws; utilization of services and personnel; reimbursement; written agreements; publication in Federal Register

The Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this subchapter. In furtherance of such cooperative efforts, the Secretary may enter into written agreements with such State or local agencies. All agreements and terminations thereof shall be published in the Federal Register.

Sec. 818. [42 U.S.C. 3617] Interference, coercion, or intimidation; enforcement by civil action

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 803, 804, 805, or 806 of this title.

Sec. 819. [42 U.S.C. 3618] Authorization of appropriations

There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this subchapter.

Sec. 820. [42 U.S.C. 3619] Separability of provisions

If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the remainder of the subchapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Sec. 12 of 1988 Act). [42 U.S.C. 3601 note] Disclaimer of Preemptive Effect on Other Acts

Nothing in the Fair Housing Act as amended by this Act limits any right, procedure, or remedy available under the Constitution or any other Act of the Congress not so amended.

(Sec. 13 of 1988 Act). [42 U.S.C. 3601 note] Effective Date and Initial Rulemaking

(a) Effective Date. -- This Act and the amendments made by this Act shall take effect on the 180th day beginning after the date of the enactment of this Act.

(b) Initial Rulemaking. -- In consultation with other appropriate Federal agencies, the Secretary shall, not later than the 180th day after the date of the enactment of this Act,

issue rules to implement title VIII as amended by this Act. The Secretary shall give public notice and opportunity for comment with respect to such rules.

(Sec. 14 of 1988 Act). [42 U.S.C. 3601 note] Separability of Provisions

If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Section 901. (Title IX As Amended) [42 U.S.C. 3631] Violations; bodily injury; death; penalties

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with--

(a) any person because of his race, color, religion, sex, handicap (as such term is defined in section 802 of this Act), familial status (as such term is defined in section 802 of this Act), or national origin and because he is or has been selling, purchasing, renting, financing occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from--

(1) participating, without discrimination on account of race, color, religion, sex, handicap (as such term is defined in section 802 of this Act), familial status (as such term is defined in section 802 of this Act), or national origin, in any of the activities, services, organizations or facilities described in subsection(a) of this section; or

(2) affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap (as such term is defined in section 802 of this Act), familial status (as such term is defined in section 802 of this Act), or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate-- shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

TITLE 28, UNITED STATES CODE, AS AMENDED

Section 2341. Definitions

As used in this chapter --

(1) "clerk" means the clerk of the court in which the petition for the review of an order, reviewable under this chapter, is filed;

(2) "petitioner" means the party or parties by whom a petition to review an order, reviewable under this chapter, is filed; and

(3) "agency" means --

(A) the Commission, when the order sought to be reviewed was entered by the Federal Communications Commission, the Federal Maritime Commission, the Interstate Commerce Commission, or the Atomic Energy Commission, as the case may be;

(B) the Secretary, when the order was entered by the Secretary of Agriculture;

(C) the Administration, when the order was entered by the Maritime Administration; and

(D) the Secretary, when the order is under section 812 of the Fair Housing Act.

Section 2342. Jurisdiction of court of appeals

The court of appeals (other than the United States Court of Appeals for the Federal Circuit) has exclusive jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of-

(1) all final orders of the Federal Communications Commission made reviewable by section 402(a) of title 47;

(2) all final orders of the Secretary of Agriculture made under chapters 9 and 20A of title 7, except orders issued under section 210(e), 217a, and 499g(a) of title 7;

(3) all rules, regulations, or final orders of-

(A) the Secretary of Transportation issued pursuant to section 2, 9, 37, 41, or 43 of the Shipping Act, 1916 (46 U.S.C.App. 802, 803, 808, 835, 839, and 841(a); and

(B) the Federal Maritime Commission issued pursuant to--

(i) section 23, 25, or 43 of the Shipping Act, 1916 (46 U.S.C.App. 822, 824, or 841a);

(ii) section 19 of the Merchant Marine Act, 1920 (46 U.S.C.App. 876);

(iii) section 2, 3, 4, or 5 of the Intercoastal Shipping Act, 1933 (46 U.S.C.App. 844, 845, 845a, or 845b);

(iv) section 14 or 17 of the Shipping Act of 1984 (46 U.S.C.App. 1713 or 1716); or

(v) section 2(d) or 3(d) of the Act of November 6, 1966 (46 U.S.C.App. 817d(d) or 817e(d);

(4) all final orders of the Atomic Energy Commission made reviewable by section 2239 of title 42;

(5) all rules, regulations, or final orders of the Interstate Commerce Commission made reviewable by section 2321 of this title and all final orders of such Commission made reviewable under section 11901(j)(2) of Title 49, United States Code; and

(6) all final orders under section 812 of the Fair Housing Act.

Jurisdiction is invoked by filing a petition as provided by section 2344 of this title.

Appendix

Central Jersey Fair Housing



HOUSING COALITION OF CENTRAL JERSEY



A HUD Certified Housing Counseling Agency, The Housing Coalition of Central Jersey provides a wide range of programs to assist Middlesex County residents with housing services. Residents receive the following types of housing counseling and education.

Homeownership Counseling

PRAB's Housing Coalition of Central Jersey provides individual counseling to first time homebuyers. The staff works in partnership with a local lender to implement the First Home Club which provides low—and moderate—income households with the opportunity to save towards down payment and closing costs. The Housing Coalition of Central New Jersey also provides counseling for the American Dream Down Payment Initiative (ADDI) program funded by the Middlesex County Department of Housing and Community Development. ADDI provides down payment assistance and closing costs to first time homebuyers who purchase homes in twenty-three Middlesex County communities.

Mortgage Assistance, Delinquency, Default, Foreclosure Mediation and Loss Mitigation Counseling

Homeowners faced with mortgage delinquency and default receive individual counseling from PRAB's Counselors to determine the reasons for delinquency and explore options to avoid foreclosure. Options include but are not limited to: mortgage modification, mortgage assistance programs and preservation of assets.

Tenant/Landlord Counseling

Information to landlords and tenants on rights and responsibilities under state and local laws, regulations and ordinances. PRAB's Housing Coalition of Central Jersey provides a ready resource for those who are summoned to court as well as those who want to resolve issues seeking state, county, or local intervention.

Fair Housing Counseling

PRAB's Housing Coalition of Central Jersey staff assists victims of discrimination by investigating complaints, advocating where appropriate, preparing cases, and filing with the U.S. Department of Housing and Urban Development (HUD), New Jersey Division of Civil Rights, or private attorneys.

Case Management/Permanent Housing Counseling

Counselors assist those who are not permanently housed (homeless), housed in substandard conditions, or at risk of losing housing through eviction or foreclosure. These households receive intensive counseling to consider options, assistance with the completion of applications for subsidized housing and guidance with locating financial resources for rent, security and utility deposits as needed.

Please contact PRAB Headquarters at (732) 828-4510 for details about programs.