



Non-discrimination: Sample Policy

Chicago Continuum of Care

Introduction

This sample policy provides basic language that can be used by HUD funded projects in the Chicago Continuum of Care (CoC) to help ensure compliance with non-discrimination and the Fair Housing Act.

All Chicago recommends this sample policy as a starting point for agencies without a policy on this topic. For agencies that have already established a policy, we recommend reviewing this sample and incorporating any components that will help strengthen your policy. We recommend agencies expand beyond the language provided to further identify in your own policies and procedures how these actions are incorporated within your own unique program operations.

For any agencies that choose to incorporate language from this sample policy into their own policy, ensure that it accurately represents the work carried out by staff. This most likely requires educating staff on the policy and procedures and reviewing files regularly for completeness and accuracy.

Fair Housing Act and Non-discrimination

A. Policy

In compliance with the mandates set forth by [HUD's Fair Housing Act](#), [The Agency] actively advocates and implements comprehensive procedures across all its programs to reinforce a commitment to non-discriminatory practices. Our procedures are designed to adhere to the core principle that no person shall be subjected to discrimination based on any 'protected class, including race, color, religion, sex, disability, familial status, and national origin in the sale, rental, or advertising of dwellings, in the provision of brokerage services, or in the availability of residential real estate-related transactions ([24 CFR 100.5a](#)). [The Agency] also recognizes sexual orientation and gender identity as protected classes under the [Illinois Human Rights Act](#) and [The Cook County Human Rights Ordinance](#).

[The Agency] recognizes the critical importance of understanding and adhering to the nuances of HUD's Fair Housing Act. Our commitment to non-discriminatory practices extends beyond mere compliance; it underscores a dedication to fostering an inclusive environment that upholds the rights and dignity of every individual.

In addition to complying with the explicit mandates of the Fair Housing Act, [The Agency] takes a proactive approach to non-discrimination. Our procedures not only meet the legal requirements but also go further to actively promote diversity, equity, and inclusion. This includes the elimination of any discriminatory barriers and the creation of an environment where all individuals can access and benefit from our programs without facing prejudice.

B. Procedure



1. Training

[The Agency] engages in ongoing education and outreach efforts to ensure that all staff members, program participants, and stakeholders are well-informed about the Fair Housing Act. This proactive approach aims to cultivate a culture of awareness, understanding, and compliance with the law, emphasizing the significance of non-discrimination in all facets of our housing programs.

Training for Agency Staff

[The Agency] is dedicated to equipping its staff with the necessary knowledge and skills to uphold the principles of the Fair Housing Act. Program supervisors conduct training to all new housing program hires on the Act and to raise awareness of both overt and covert forms of discrimination. All housing program staff receive annual retraining. Staff view the "[Chicago Fair Housing Training for Case Managers](#)" training in All Chicago's Learning Management System (LMS) to fulfill this training need. The training includes the following key topics:

- a. **Protected Classes:** Protected classes include race, color, national origin, religion, sex (including gender identity and sexual orientation under the Illinois Human Rights Act and the Cook County Human Rights Ordinance), familial status, and disability.
- b. **Prohibited Acts:** It is illegal discrimination to take certain actions based on any protected class status. HUD has identified a list of prohibited acts that can be found [here](#).
- c. **Types of Housing Covered:** The Fair Housing Act covers most housing. In very limited circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family houses sold or rented by the owner without the use of an agent, and housing operated by religious organizations and private clubs that limit occupancy to members.
- d. **Rights and Reporting Discrimination:** See section below for an overview of participant rights and reporting protocol.

[The Agency] recognizes the value of interactive and scenario-based training to enhance comprehension and application of fair housing principles. Real-world examples and case studies are incorporated into housing program team meetings at minimum twice a year to provide practical insights and facilitate a deeper understanding of how to navigate complex situations.

In addition to initial training, [The Agency] is committed to providing periodic updates to ensure that staff members remain abreast of any changes or developments in fair housing laws. These updates will reinforce the organization's dedication to continuous improvement and compliance with the Fair Housing Act. [Insert Staff Role] is responsible for maintaining knowledge of changes to local and federal law and disseminating updates to staff members via email and staff meetings.

2. Participant Rights and Reporting Discrimination



In adherence to our commitment to fostering an inclusive and non-discriminatory environment, [The Agency] places a strong emphasis on providing program participants with comprehensive information on their rights and available remedies under applicable federal, State, and local fair housing and civil rights laws.

Cook County Just Housing Amendment

The Cook County Human Rights Ordinance's Just Housing Amendment aims to eliminate discrimination in housing by prohibiting landlords from considering a prospective tenant's criminal history during the application process, with certain exceptions for specific offenses. This amendment seeks to provide individuals with past convictions a fair chance at securing housing, recognizing the significant barriers they face in accessing stable housing and the detrimental effects of such discrimination on their rehabilitation and reintegration into society. [The Agency] recognizes the Just Housing Amendment as promoting the broader principles of fairness, equity, and justice in housing access within Cook County, Illinois.

[The Agency] staff will utilize the following Information and resources on the Just Housing Amendment to advocate for clients that come from applicable backgrounds:

- a. Cook County Government Information Page: <https://www.cookcountyil.gov/content/just-housing-amendment-human-rights-ordinance>
- b. Just Housing Amendment FAQ for Applicants: https://www.cookcountyil.gov/sites/g/files/ywwepo161/files/documents/2024-01/jha_faq_for_applicants_updated_1.29.24%20%281%29.pdf
- c. Just Housing Amendment Screening Process: https://www.cookcountyil.gov/sites/g/files/ywwepo161/files/documents/2022-01/jha_screening_process_updated_1.27.22.pdf

Education on Filing Discrimination Complaints

Participants are empowered through education provided by agency staff on how to file a formal discrimination complaint (this protocol is outlined below, and more information can be found on the [FHEO website](#)). Our staff members play a crucial role in assisting participants, ensuring they are well-informed about their rights and equipped with the knowledge needed to report instances of discrimination promptly. The [Insert Staff Role] provides written material to case managers annually to discuss with their participants and ensures that information is distributed at least once annually during a participant townhall meeting.

Recognizing the diverse needs of our participant base, [The Agency] expects its staff to actively support individuals with disabilities and those with limited English proficiency. To facilitate effective communication, information on navigating reporting procedures for participants in these subpopulations is readily available through resources provided by HUD.



Information on reporting in languages other than English can be found [here](#). Individuals who are deaf, heard of hearing, or have speech or communication disabilities can make accessible phone calls through a [Telecommunications Relay Service – TRS](#).

Reporting Protocol and HUD Guidance

The reporting protocol adheres to HUD guidance, ensuring a standardized and efficient process. Participants are informed of the following key aspects:

- a. **Types of Allegations Investigated:** [The Agency] ensures that participants understand the range of allegations that are subject to investigation, fostering transparency and awareness. The following allegations are investigated by the Office of Fair Housing and Equal Opportunity (FHEO) and should be explained to participants:
 - Discrimination under the Fair Housing Act: Discrimination in renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities.
 - Discrimination and other civil rights violations in housing and community development programs, included those funded by HUD which includes Title VI of the Civil Rights Act of 1964 (race, color, national origin); Section 109 of the Housing and Community Development Act of 1974 (race, color, national origin, religion, sex); Section 504 of the Rehabilitation Act of 1973 (disability); Title II of the Americans with Disabilities Act of 1990 (disability); Architectural Barriers Act of 1968 (disability); Age Discrimination Act of 1975 (age); Title IX of the Education Amendments Act of 1972 (sex)
 - Discrimination under the Violence Against Women Act (VAWA): Discrimination in accessing housing or assistance, being evicted from housing, or having your assistance terminated because you are a survivor of domestic violence, dating violence, sexual assault, or stalking; failure to receive notice of occupancy rights or certification form under VAWA; being denied housing or housing-related rights or otherwise penalized for reporting crimes and emergencies; or being retaliated against for seeking or exercising VAWA rights for yourself or another.
- b. **How to Report to the Office of Fair Housing and Equal Opportunity (FHEO):** Clear guidance is provided on the various channels available for reporting, including online submissions, phone contacts, and mailing options.
 - Online: Reports can be made using the online HUD form 903 [here](#), with availability in multiple languages.
 - Phone: Phone reports can be made by calling 1-800-669-9777 and talking with an FHEO intake specialist. Regional FHEO office phone numbers are also available on [this list](#).
 - Mail: A physical copy of form 903 can be printed from [here](#), and mailed to your regional FHEO office, which can be located through the same link where regional phone numbers are located. The form is available in multiple languages.



- c. **Information Needed to File a Report:** Participants are educated on the specific information required to file a discrimination report effectively, streamlining the reporting process and enhancing the accuracy of investigations. Information needed to file a report includes:
- Participant's name and address.
 - The name and address of the person(s) or organization the allegation is against.
 - The address or other identification of the housing or program involved.
 - A short description of the event(s) that cause you to believe your rights were violated.
 - The date(s) of the alleged violation.
- d. **Anti-Retaliation Information:** [The Agency] is committed to protecting participants from retaliation. The following Information on anti-retaliation measures will be shared to safeguard individuals who come forward to report discrimination:
- It is illegal to retaliate against any person for making an allegation, testifying, assisting, or participating in any manner in a proceeding under HUD's allegation process at any time, even after the investigation has been completed.
 - It is illegal to retaliate against any person because that person reported a discriminatory practice to a housing provider or other authority.
 - It is illegal under VAWA also for a public housing agency, owner, or manager of housing assisted under a VAWA covered housing program to retaliate against someone for seeking or exercising VAWA protections for themselves or another.
 - It is illegal under VAWA to retaliate against people who testify, assist, or participate in any VAWA matter on their own, or another's, behalf.
- e. **Additional Resources from FHEO/HUD:** Participants are made aware of the wealth of additional resources provided by the Office of Fair Housing and Equal Opportunity (FHEO) and HUD, ensuring they have access to comprehensive support throughout the reporting process. Additional resources include, but are not limited to:
- Learning about the reporting process:
https://www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process
 - Getting help before reporting housing discrimination:
https://www.hud.gov/program_offices/fair_housing_equal_opp/get_help_filing_complaint
 - Reporting in languages other than English:
https://www.hud.gov/program_offices/fair_housing_equal_opp/complaint_filing_languages_other_english
 - Housing discrimination under the Fair Housing Act:
https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview
 - HUD multifamily housing complaints:
https://www.hud.gov/program_offices/housing/mfh/hc/complaint
 - Housing Choice Voucher and public housing complaints:
https://www.hud.gov/program_offices/public_indian_housing/about/css



According to the Fair Housing Act, Faith-based organizations are eligible, on the same basis as any other organization, to participate in any HUD program or activity, considering any permissible accommodations, particularly under the Religious Freedom Restoration Act ([24 CFR 5.109\(c\)](#)).

While organizations have these rights, the Fair Housing Act recognizes participant's rights within religiously affiliated organizations and programs [The Agency] adheres to the following practices:

- a. All religion-based programming and activities are explicitly voluntary to program participants.
- b. Overt religious content/activities from assistance funded programming remain separate from other program activities.
- c. [The Agency] does not discriminate against a beneficiary or prospective beneficiary based on religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.