

**WRITTEN STATEMENT OF
ASSISTANT SECRETARY KIM KENDRICK
FAIR HOUSING AND EQUAL OPPORTUNITY
U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**



**HEARING ON
FAIR HOUSING ISSUES IN THE GULF COAST IN THE
AFTERMATH OF HURRICANES KATRINA AND RITA
BEFORE THE
HOUSE SUBCOMMITTEE ON HOUSING AND
COMMUNITY OPPORTUNITY
UNITED STATES HOUSE OF REPRESENTATIVES**

FEBRUARY 28, 2006

Chairman Ney, Ranking Member Waters, and Members of the Committee, I appreciate this opportunity to share with the Committee how HUD has been helping secure the fair housing rights of displaced Gulf Coast residents as they seek new housing.

My name is Kim Kendrick. I am the Assistant Secretary for Fair Housing and Equal Opportunity at the U.S. Department of Housing and Urban Development. I oversee the federal government office with the primary responsibility for enforcing the fair housing laws of the United States—most notably Title VIII of the Civil Rights Act of 1968, as amended (also known as “the Fair Housing Act”). The Fair Housing Act prohibits discrimination in housing and housing-related transactions on the basis of race, color, national origin, religion, sex, disability, or against families with children.

President Bush nominated me for this position on June 30, 2005. Between that date and my confirmation by the Senate on October 7, 2005, Hurricanes Katrina and Rita hit the Gulf Coast, displacing hundreds of thousands of residents.

Two days before Hurricane Katrina reached landfall, HUD Secretary Alphonso Jackson assembled a team that would be ready to respond to housing needs that he anticipated would arise in the aftermath of the hurricane. That team, called the HUD Recovery and Response Center, drew on employees from all HUD program offices, including HUD’s Office of Fair Housing and Equal Opportunity, or FHEO.

While HUD typically is not a first responder in the event of national emergencies and natural disaster, Secretary Jackson’s response to Katrina was immediate. HUD staff was on the ground in Louisiana, within days, to assist with the housing relocation effort.

We saw, like the rest of the world, that a disproportionate number of those persons with no place to go were poor, African-American, and people with disabilities.

In particular, HUD’s Office of Fair Housing and Equal Opportunity (FHEO), anticipating possible housing discrimination as large populations of African-American and other minority residents relocated to surrounding communities, immediately dispatched staff to Baton Rouge to work with the Federal Emergency Management Administration (FEMA) in the Disaster Recovery Centers.

FHEO’s General Deputy Assistant Secretary and Deputy Assistant Secretary for Enforcement and Programs both made visits to Baton Rouge within the first two months. FHEO has maintained a staff presence of three to five persons in Baton Rouge since September. This is in addition to the dozens of other HUD personnel who have also been on the ground, assisting and advising FEMA since the beginning. We have also increased our presence in Mississippi, and HUD has always maintained an office in Houston, where the greatest number of hurricane evacuees have relocated

So after I was sworn in on October 13, 2005, I saw it as my responsibility to make sure that HUD does all it can to protect this population from unlawful discrimination as they search for new housing.

That means: making sure people know their rights; actively enforcing the law when we learn about violations; and working with the housing industry to prevent such discrimination in the first place.

From the start, most of the complaints that HUD received from the Gulf Coast region alleged discrimination against African-Americans as they sought new housing. In general, the on-site staff was able to address these reports of discrimination directly, on account of being present in the community.

Staff provided on-site assistance on disability-accessibility issues or advised a landlord they could not discriminate against families with children before someone filed a formal complaint. By providing on-the-spot education to landlords and mobile home park owners, FHEO staff was able to prevent some discrimination.

The staff also worked closely with the fair housing and disability-rights advocacy organizations in the Gulf Coast Region. HUD funds many of these groups through its Fair Housing Initiatives Program, or FHIP. HUD allocated an additional \$1.2 million to these Gulf Coast fair housing groups to aid them in their post-hurricane fair housing efforts. These efforts include outreach to evacuees, landlords, and conducting investigations of possible discrimination.

HUD recognized, however, that many individuals seeking housing, and many landlords providing it, might not know their rights and responsibilities under the Fair Housing Act. So, in that first month after the hurricane, HUD took out advertisements in local papers in the Gulf Coast advising people of the Fair Housing Act's prohibitions of discrimination and how to report such discrimination to HUD. HUD staff also distributed fair housing posters and flyers at Disaster Recovery Centers, at shelters, and among other organizations throughout the Gulf Coast. HUD staff and our fair housing partners in the Gulf Coast also appeared on radio and television programs to provide information on fair housing. In all instances, staff provided the number of HUD's Housing Discrimination Hotline, where anyone in the country can report discrimination toll-free. That number is 1-800-669-9777.

Also, on October 25, 2005, in my third week as Assistant Secretary, I sent an open letter to the housing industry advising them that it is against the law to discriminate in housing-related transactions on any basis prohibited under the Fair Housing Act.

I have provided a copy of this letter, and samples of HUD's other education and outreach materials to the Committee for inclusion in the record.

To date, HUD has received nearly 100 complaints of discrimination from displaced Gulf Coast residents. HUD has been investigating those complaints and obtaining relief for individuals where the parties could arrive at some mutually satisfactory resolution. HUD has resolved a fifth of the cases this way. This includes a complaint out in California – evacuees have relocated throughout the county – where HUD obtained for three African-

American women the relief they sought-- \$600 each from a potential landlord whom they alleged denied them the rental of an apartment because they are black.

Over 60 percent of the cases are still under investigation as they have been filed recently. For example, HUD is currently investigating a number of complaints that the National Fair Housing Alliance has filed alleging racial discrimination by housing providers throughout the Gulf Coast. The Greater New Orleans Fair Housing Action Center has also filed complaints alleging discriminatory advertising on Katrina-relief Web sites that are currently under investigation.

The remainder HUD has dismissed with a finding of no discrimination, or because the person who filed has declined to pursue the case.

HUD has also found that while the Internet is a valuable resource, helping hurricane evacuees find housing, obtain supplies, and locate loved ones, it can also cause harm. HUD has received and is investigating complaints alleging that some Internet sites have carried advertisements offering housing to evacuees, but only if they were of the right race or religion, or have no children. The Fair Housing Act makes it unlawful to publish discriminatory statements in connection with the sale or rental of housing. HUD takes all allegations of discriminatory advertising seriously, particularly when the language inflicts harm on people who have already gone through so much. We are currently investigating complaints that allege that advertisers and the Web site publishers of these advertisements have violated the Fair Housing Act. In the meantime, a number of Web sites have begun to purge their sites of these discriminatory ads and have posted prominent public-information notices about the obligation of all advertisers to comply with the Fair Housing Act. We have reason to believe that the Web sites have taken these steps in response to actions by HUD and HUD-funded fair housing groups.

In the case of Katrina-relief Web sites, HUD has also provided information about the Fair Housing Act to FEMA so that it does not inadvertently direct evacuees to Web sites that allow the posting of discriminatory ads.

HUD continues to educate the general public about its fair housing rights. Last month, on January 19th, I joined HUD Secretary Alphonso Jackson in announcing the launch of a nationwide Public Service Announcement campaign to inform displaced hurricane survivors of their fair housing rights. Working with the Ad Council, the nation's top producer of PSA campaigns, we produced compelling television, radio, and newspaper ads that inform the public that "the storm isn't over" for those hurricane evacuees who are facing discrimination as they search for new housing. The ads inform evacuees that "there is hope because there is help" from HUD, the federal agency charged with combating housing discrimination.

In the months immediately following the hurricanes, the first priority for many evacuees was having a roof over their heads and food to eat. People who face housing discrimination have a full year to file a complaint of discrimination with HUD. We expect that when people see our public-service announcements and reflect on the

obstacles they experience in their housing search, we will likely see a rise in complaints. Moreover, we expect we will see additional complaints as people leave the FEMA hotel-reimbursement program and begin their housing search.

HUD is not waiting for people to file complaints to take action against discrimination. We have used our authority to initiate investigations based on reports of discrimination that we have received, but where no one has stepped forward to file a complaint. Specifically, HUD is investigating the Louisiana parishes that have either refused to site FEMA trailers or have imposed significant restrictions on the placement of such trailers. Legitimate reasons may exist for some of these parish policies, but some allege that the parish objections are motivated by the fear that African-Americans will move into these communities. HUD is looking into these allegations.

A significant part of our Gulf Coast effort has been to advise FEMA on disability accessibility as it creates mobile-home communities to temporarily house the people displaced by the hurricanes. HUD provided FEMA with a design for an accessible mobile home, provided guidelines on how to make mobile-home communities accessible, and worked with FEMA to establish a standard for all manufactured-housing communities that at least 14 percent of homes be accessible to people with disabilities. HUD has also detailed a staff member to FEMA's long-term recovery effort to advise on disability-rights issues, promote the hiring and training low-income persons on certain HUD-assisted projects, and to advise on fair housing, in general.

We have also directed more of our accessibility education efforts to the Gulf Coast, to make sure that as developers rebuild, they make sure properties are accessible to people with disabilities. Our Fair Housing Accessibility FIRST program, which has been praised by industry and disability advocates alike, held training programs for builders and others in Mississippi and Louisiana last November. FIRST will soon hold seminars in Texas and Florida and host training at the American Institute of Architects annual conference. The FIRST program is a shining example of how industry, advocates, and government are working together, on behalf of people with disabilities in the hurricane recovery effort.

HUD will continue to work with all parties who have a role in ensuring housing opportunities in the Gulf Coast are available, free of discrimination—architects and builders, fair housing advocacy organizations, and the general public. At a time when thousands of families are struggling to recover from the biggest natural disaster to strike this nation, HUD is firmly committed to ensuring that they have the opportunities they need to rebuild their lives.

I thank the Committee for this opportunity to testify on HUD's post-hurricane fair housing efforts.