



September 27, 2017

Brian K. Huskey
Project Director, Housing CLT
P.O. Box 35305
Charlotte, NC 28235

Dear Brian,

Per your request, on our June 26th meeting about a partnership with the Charlotte-Mecklenburg Community Relations Committee, you asked this office to provide its assessment of the proposed plan to provide specialized criteria for homeless applicants seeking apartments through the HousingCLT initiative. You were specifically concerned about the fair housing implications of excluding non-homeless applicants with criminal records when homeless applicants with criminal records might be considered for tenancy under the specialized criteria.

The Fair Housing Act (FHA) and the City of Charlotte's fair housing ordinance prohibit discrimination based on the following classes: race, color, religion, national origin, sex, familial status, and disability. One's status as housed or homeless is not protected and is not contemplated by the FHA. While the FHA does not specifically protect homeless or non-homeless people, it does protect those with disabilities and, in fact, requires landlords to make reasonable accommodations "in rules, policies, practices, or services, when such accommodations may be necessary to afford such [disabled] person equal opportunity to use and enjoy a dwelling." 42 U.S.C. sec. 3604(f)(3)(B). Statistics show that people with disabilities are overrepresented in the homeless population. Therefore, it may be necessary, as a reasonable accommodation, to assess the qualifications of a homeless applicant with a disability and a criminal record differently than one might assess someone with a criminal record who does not have a disability.

Unfortunately, there is no "one size fits all" answer for whether an action will be in violation of the FHA or the City's ordinance. If a homeless applicant has a disability and requires an accommodation to the rules, policies, practices or services of a particular agency, it will be a case by case determination as to whether such accommodation is reasonable.

Please feel free to contact me if you have any questions

Sincerely,

Willie Ratchford
Director, Charlotte Mecklenburg Community Relations
704 336-2195