

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

QUESTIONS & ANSWERS: DOMESTIC VIOLENCE SHELTERS and CIVIL RIGHTS STATUTES

This Q&A provides information about federal civil rights laws that apply to domestic violence shelters and the services they provide to clients. Four federal civil rights laws are discussed in this Q&A:

1. Americans with Disabilities Act (referred to as the ADA)
2. Fair Housing Act (referred to as the FHA)
3. Title VI of the 1964 Civil Rights Act (referred to as Title VI)
4. Section 504 of the Rehabilitation Act (referred to as Section 504)

The ADA and FHA are applicable to most shelters. Section 504 and Title VI apply only if the shelter receives federal financial assistance.

Please note: This Q&A does not discuss all federal civil rights laws, nor does it discuss state and local laws, which may have additional requirements. This information is not offered as legal advice and should not be used as a substitute for seeking professional legal advice. For more information about state and local disability rights laws, contact the disability council, commission, or committee in your state, listed at <http://www.dol.gov/odep/state/state.htm>. This Q&A also does not discuss employment discrimination laws. For more information about employment discrimination, see the U.S. Equal Employment Opportunity (EEOC) website: [www.http://www.eeoc.gov/http://www.eeoc.gov/types/ada.html](http://www.eeoc.gov/http://www.eeoc.gov/types/ada.html).

I. AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS

Q. What is the ADA?

The Americans with Disabilities Act (ADA) is a federal civil rights statute passed in 1990 based on congressional findings that discrimination against individuals with disabilities was a “serious and pervasive social problem.” The ADA is modeled after other civil rights laws that prohibit discrimination on the basis of race, color, sex, national origin, age, and religion. The general purpose of the ADA is to guarantee that individuals with disabilities are fully integrated into all aspects of American society. It imposes a general duty of nondiscrimination but it also has some specific requirements to insure that individuals with disabilities have full access to enjoy the goods and services offered by various entities.

Q: Who has obligations under the ADA?

With the ADA, Congress sought to eliminate discrimination in many areas: public accommodations, access to public services, employment, education, transportation, communication, recreation, institutionalization, health services, and voting. Therefore,

the ADA is broadly applicable to for-profit and non-profit organizations, businesses of all sorts that offer goods or services to the public, and state and local government programs.

Q: Do domestic violence shelters have obligations under the ADA?

Shelters, including domestic violence shelters, operated by local or state governments as well those that are privately owned both have obligations under the ADA but in somewhat different ways:

- Title II of the ADA imposes nondiscrimination requirements on **all of the “programs, services, and activities” of state and local governments** and **therefore applies to any domestic violence shelter operated by a government.**
- Title III of the ADA covers **non-government entities that provide goods and services to the public** (called “public accommodations”) which include “**social service center establishments**” and specifically “homeless shelters.” Domestic violence shelters are considered “social service center establishments.” The ADA applies equally to for-profit and non-profit entities.

The general ADA non-discrimination and reasonable accommodations requirements are the same for government-operated and privately-operated shelters, but there are some differences regarding physical accessibility requirements as noted below.

Q: Do domestic violence shelters operated by religious organizations have obligations under the ADA?

Shelters owned and operated by religious organizations do not have ADA obligations. Congress was concerned about preserving the division between church and state and therefore provided an exemption for religious organizations in the ADA. However, **a private non-religious entity that operates a shelter in a church or other building owned by a religious organization will still be covered by the ADA, as would a government-owned shelter operated in such a building.** But the religious organization as landlord would have no ADA obligations. A religious organization that receives federal financial assistance to operate a shelter would have obligations under Section 504 as discussed below.

Q: Who has rights under the ADA?

The ADA provides non-discrimination guarantees to “persons with disabilities.” The ADA defines disability as a **“physical or mental impairment that substantially limits one or more major life activities” of an individual.** Congress recently passed amendments to the ADA to emphasize that this is a broad definition intended to include obvious physical impairments such as paraplegia, blindness and deafness, as well as physical and mental impairments and conditions and diseases that may not be so apparent, such as diabetes, epilepsy, tuberculosis, AIDS, alcoholism, drug addiction, mental illness (including depression, post-traumatic stress syndrome, and schizophrenia), developmental and intellectual disabilities, and learning disabilities. (Although recovering drug addicts are considered individuals with disabilities, individuals currently engaged in illegal drug use, including unlawful use of prescription drugs, are not protected by the ADA.)

The ADA also protects individuals who have a history of disability and individuals who are discriminated against because they are perceived to have a disability whether or not they actually do. For example, an individual with severe burn scarring may currently have no “mental or physical impairment that substantially limits a major life activity,” but s/he may have once been disabled and/or may be perceived to be disabled. Finally, the ADA protects individuals from discrimination on account of their association with a person with a disability -- for example, a parent may not be refused services because of the disability of his/her child.

Q: How does a domestic violence shelter determine whether someone has a disability?

Many disabilities are obvious – such as mobility impairments or blindness. But other disabilities may not be visible, such as AIDS or mental illness. **As a general rule, staff may not ask** about disabilities or inquire into the nature or severity of a disability **except** as needed to make a reasonable accommodation or to determine if an individual meets a particular eligibility requirement (see discussions below). Any information acquired about a disability must be kept confidential, except as needed to provide an accommodation.

Q: What does a shelter have to do to comply with the ADA?

DV shelters have four types of obligations under the ADA:

1. Implementing nondiscriminatory policies and procedures
2. Affording reasonable accommodations as necessary in policies and procedures in order to provide equal enjoyment and use of their services
3. Providing auxiliary aides and services as necessary for effective communication
4. Providing physical access to and within the shelter.

These types of obligations are discussed in more detail below.

Q: How do domestic violence shelters create nondiscriminatory policies and procedures?

Domestic violence shelters must have non-discriminatory admission criteria and operating rules, and they may not segregate or treat individuals with disabilities differently while in residence. For example, a rule prohibiting admission of alcoholics or persons with mental illness would be a discriminatory admission criterion. Designation of a particular room or area for individuals with mobility impairments to eat would be a discriminatory operating rule.

Domestic violence shelters should review and make changes, as necessary, to their written admissions criteria and operating rules to insure that they are written in a neutral way. They should also review unwritten admissions criteria and operating rules to insure non-discrimination. Individuals with disabilities may not be afforded services that are lesser, different or separate from those offered others. Services provided to them should not be delayed or provided in a different setting unless necessary to afford equal enjoyment and use of shelter services.

The ADA does not require a shelter to have any particular admissions criteria or operating rules; however, it is good practice to have a written policy of nondiscrimination that is provided to both staff and clients. It is essential to train staff so that the shelter operates in a non-discriminatory fashion.

Q: Is it permissible to have a program that provides services only to individuals with a specific type of disability?

A shelter may afford its service only to individuals with a particular type of disability – for example, individuals with post-traumatic stress disorder (PTSD). But it may not exclude someone who meets this eligibility requirement but also has another disability – for example, an individual with PTSD who is also deaf. To determine whether someone is eligible for this type of program, it is permissible to ask about the individual’s disability and even to require medical documentation of it. However, it is not permissible to make broad inquiries beyond what is necessary to determine eligibility for the program – for example, asking for someone’s entire medical record.

Q: Can a domestic violence shelter require individuals with disabilities to comply with its ordinary rules and requirements?

Domestic violence shelters may impose neutral rules and requirements so long as they are uniformly enforced for individuals with and without disabilities alike. An individual with a disability can be required to comply with a shelter’s rules of behavior and can be penalized for failure to comply as would any other client. However, as described below, an individual with a disability may be entitled to a “reasonable accommodation” – that is, an alteration in the ordinary rules and procedures, in some circumstances.

Q. What can a domestic violence shelter do if an individual with a disability poses a safety risk?

A shelter may establish safety criteria for its operations, so long as they are not based on stereotypes or generalizations about persons with disabilities. A shelter may exclude a person with disabilities if it makes an individualized assessment based on objective evidence that the individual poses a “direct threat” to the health or safety of others, and that the risk cannot be mitigated by reasonable modifications to the shelter’s policies and procedures. “Direct threat” is determined by the nature and severity of the risk and how likely it is to occur **Thus a shelter may not have a general rule that excludes individuals with schizophrenia from the shelter.** However, a particular individual who has schizophrenia may be excluded based on his/her past or current violent behavior that cannot be mitigated by some reasonable accommodation – such as removing the conditions that might provoke the violent behavior.

Q: What does “reasonable accommodation” mean?

A “reasonable accommodation” is a sensible change in a regular policy or procedure that is necessary in order for an individual with a disability to have **full access to and fully use and enjoy** the services provided by the shelter. An accommodation can be any number of things, such as:

- Allowing a guide dog or other service animal in a facility that otherwise prohibits animals.

- Assisting someone with a mental disability in filling out forms.
- Providing a secure location or refrigeration for medications – such as insulin for an individual with diabetes
- Providing storage space for medical equipment – wheelchairs, crutches, etc.
- Rearranging furnishings of a room for a person with obsessive-compulsive disorder.

Providing personal services – such as helping an individual dress, eat, take medicine, or use the toilet-- is not required under the law. Nor is the shelter obligated to provide personal aids such as canes, eyeglasses, or wheelchairs.

In most cases, it is not difficult to determine whether an accommodation is “reasonable” or “necessary” as the examples suggest. Most accommodations are easy to provide and will result in little or no cost.

Q: How does a domestic violence shelter determine whether an accommodation request is “reasonable?”

Although a shelter is expected to incur some cost and administrative burden in making accommodations, an accommodation that is particularly expensive or difficult would not be considered “reasonable.” Nor is a shelter required to provide an accommodation that would “fundamentally alter” the nature of the shelter’s services.

For example, an individual with mental illness that causes her to fear being with strangers may request that the shelter staff provide meals in her room. If the shelter does not provide any meal service to residents, it need not do so for this resident. The ADA does not require that individuals with disabilities be given services not ordinarily offered to others. However, if that same individual ordered meals to be delivered to the shelter, it would be a “reasonable accommodation” to take them to her room. Or, if providing meals is part of the shelter’s array of services, it would not be a “fundamental alteration” to provide meals in the individual’s room.

Q: What should a domestic violence shelter do if a requested accommodation is too expensive, too difficult, or would result in a fundamental alteration?

A shelter can offer an alternative accommodation that is less costly or burdensome or more in keeping with its regular services. Consulting with the individual about what is needed and how it might be provided is a good practice. If the proffered alternative would be effective in providing “equal enjoyment” of shelter services, the shelter has met its obligation, even if the individual with a disability is dissatisfied or refuses the alternative. The ADA does not allow an individual to mandate the precise form of an accommodation, but the individual’s preferences should be taken into account. If no alternative is possible, an accommodation is not “reasonable” and the shelter has no obligation to provide it.

Q: How can a shelter determine if a requested accommodation is “necessary?”

If it is not clear that an accommodation is really needed, staff may inquire into the nature of an individual’s disability and the need for the accommodation, and may even require

the individual to provide some medical documentation of both. The shelter should only request such information as is necessary to determine whether the individual is entitled to the requested accommodation. **Thus a shelter may not request to see a client's full medical record.** Any personal medical information about the disability that is obtained in this process must be kept confidential and shared only with staff that needs to know in order to provide the accommodation or to handle emergency situations.

Q: Does an individual have to formally request an accommodation?

A shelter is not obligated to make an accommodation unless it is aware of an individual's disability and the need for accommodation. This generally means that an individual must ask for an accommodation, unless both the disability and the need for accommodation are obvious – for example, a shelter should know that it must alter its “no pets” rule for a blind individual walking in the door with a guide dog. Shelters should develop a regular procedure for accepting and considering requests for accommodations and for making sure clients are aware of the procedure, with posters, handouts, and the like. However, the shelter must respond to any request for accommodation even if the designated procedures aren't used to request it.

Q: If a shelter makes a change in rules for an individual with a disability, will it have to allow others to have the same benefit?

The “reasonable accommodation” mandate does not require a shelter to alter or abandon its generally applicable rules, but merely to make an exception as necessary so that a particular individual with a disability can have full access to all services. It is possible that even another person with the same disability may not be entitled to the same accommodation.

Q: What is necessary to provide “effective communication”?

Individuals with hearing, vision, and speech impairments may need auxiliary aids and services in order to communicate effectively in their interactions with the shelter. In many circumstances, it is easy to provide simple aids that will afford effective communication. For example, for someone who has a vision impairment, reading documents to them, or providing large print documents or audio recordings of important information will generally suffice. For an individual with a hearing impairment, writing instructions, and exchanging notes will often be adequate. Shelters should also have in place at least one TTY (telephone device with a keyboard and visual display for use by persons with hearing and speech impairments).

The length and complexity of the communication determines whether more sophisticated aids and services are required. For example, if the shelter offers some type of class or formal presentation, or offers individual or group counseling – it will likely be necessary to provide a sign language interpreter in order to afford effective communication if someone who is deaf is expected to attend. In situations where an interpreter is required, the services of a qualified interpreter should be arranged. Sign language services are available in most communities and can often be located through a quick internet or yellow pages search. **It is not appropriate to ask a friend or family member to interpret, unless there is an emergency situation.**

Q: Does the shelter have to provide all auxiliary aids and services that are requested?

As with the “reasonable accommodation” requirement, the cost and difficulty of providing an aid or service can be taken into account. However, the **effective communication requirement sets a somewhat higher standard** – and the shelter must provide some means of effective communication appropriate to the situation, unless doing so would be an “undue burden” (significant cost or difficulty) or would result in a “fundamental alteration” in the nature of the services provided by a shelter. The shelter should work with the individual with a disability to find a means of communication that is effective, but the shelter need not necessarily provide what the individual has requested, so long as communication is effective.

Q: What are the accessibility requirements for DV shelters?

The ADA has different accessibility requirements for buildings, depending on when they were constructed.

“New” Buildings

Buildings designed for first occupancy after the effective date of the ADA (January 26, 1993) must comply **fully** with the ADA Accessibility Guidelines (ADAAG) issued by the U.S. Department of Justice. ADAAG provides very detailed design requirements to insure accessibility, such as specifying down to the inch how wide doorways and corridors have to be to allow wheelchair access, when and where Braille signage must be used to indicate restroom locations, and when visual alarms must be provided to alert individuals who are deaf.

“Older” buildings

For buildings that were in existence prior to the effective date of the ADA (January 26, 1993), the accessibility requirements are different for government-operated (Title II) versus privately-operated (Title III) shelters

Title II

For Title II shelters, or government-operated shelters, the government is required to provide “program access.” That means that all persons with disabilities must have full access to whatever shelter services are offered. However, the local government has some flexibility, in the case of inaccessible buildings, to move programs around or to provide services in a different location that is accessible rather than making accessibility modifications to each building. However, when a building that was constructed before 1993 is altered, the alterations must also comply fully with ADAAG.

Title III

Title III shelters, or privately operated shelters must make accessibility modifications to **all** older buildings to the extent it is “readily achievable” to do so. This is a flexible legal standard that takes into account an entity’s resources and the architectural difficulty of making accessibility alterations, and means that changes that are **not too difficult or too expensive** must be made. The typical kinds of changes needed are installing entrance ramps where there are steps, widening of doorways, changing door hardware, and altering restrooms to meet ADAAG standards. This obligation to remove access barriers when it is “readily achievable” requires a shelter to act even if there is no person with a

disability currently needing services. The obligation is also a continuing one – which means that a barrier removal that is too costly in one year given the shelter’s financial situation may have to be made in a subsequent year when finances improve. Furthermore, any alterations to a building must also comply fully with ADAAG. If the shelter leases space, both the landlord and the shelter have obligations under the ADA, and generally the lease provisions will determine how the responsibilities will be allocated.

Q: How is the ADA enforced?

The ADA provides a variety of enforcement mechanisms with differences depending on whether it is Title II (state or local government) or Title III (private organization or business) requirements that are believed to have been violated.

Lawsuits

Under both Titles II (privately owned entities) and Title III (government entities), individuals with disabilities can bring lawsuits in federal court against the organizations and individuals they believe have discriminated against them. The U.S. Department of Justice can also file lawsuits to enforce Titles II and III. A court can order the party who has discriminated to change policies and procedures that were found discriminatory, to provide a reasonable accommodation that was denied, or to make accessibility modifications to a building deemed to be out of compliance.

Under Title II (but not Title III), an individual who files suit can also obtain “compensatory damages” (an amount of money) to compensate them both for expenses incurred (such as the cost of a hotel stay if shelter services are denied) and for emotional pain and suffering. In suits brought by the Department of Justice compensatory damages for individuals can be obtained under both Titles II and III. In a Title III suit, the Department of Justice can also obtain “civil penalties” (a fine paid to the government) – of up to \$50,000 for a first offense and \$100,000 for a second offense.

Administrative Proceedings

Instead of (or in addition to) filing a lawsuit, an individual with a disability who believes s/he has been discriminated against may file a complaint to the federal government. All Title III complaints against privately-operated agencies should be filed with the Department of Justice. Title II complaints against government-operated entities are divided up among various federal agencies, depending on the type of program that is alleged to have discriminated. For example, a complaint about a local government’s bus service would go to the U.S. Department of Transportation and a complaint about a state park’s accessibility problems would go to the U.S. Department of the Interior. For a domestic violence shelter, (as a “social services establishment”) complaints go to the U.S. Department of Health and Human Services. The government agency investigates the complaint, and, if meritorious, will usually attempt to reach a settlement between the parties, with relief similar to that which a lawsuit would provide. If there is no resolution, the Department of Justice will review the matter and may decide to file a lawsuit.

Q: Where can I get more information?

There are many resources available to assist shelters in learning more about the ADA and how to comply.

- **ADA.gov:** <http://www.ada.gov/> This is the place to start when seeking ADA information. This website provides extensive information about the ADA, including a specific listing of resources for small businesses and non-profit service providers, information about government enforcement, links to ADA regulations and guidelines and many other documents, as well as links to other government agencies and organizations.
- **ADA Information Line:** The U.S. Department of Justice provides a toll-free phone service to obtain general ADA information, answers to specific technical questions, and free ADA materials. 800 - 514 - 0301 (V) 800 - 514 - 0383 (TTY)
- **DBTACs:** <http://www.adata.org/>

The Disability and Business Technical Assistance Center (DBTAC) is a national network of 10 regional DBTAC: ADA Centers that provide the information, referrals, resources, and training on the Americans with Disabilities Act (ADA). The DBTACs maintain a toll free information line, (800) 949-4232 (V/TTY), and each DBTAC responds to calls generated from within its regional service area.

II. FAIR HOUSING ACT (FHA) REQUIREMENTS

Q: What is the FHA?

The Fair Housing Act (FHA) is a federal civil rights law that imposes a duty of non-discrimination on housing providers of all types. As originally enacted in 1968, the FHA prohibited discrimination on the basis of race, color, national origin, and religion. Subsequent amendments added gender, familial status, and disability to the prohibited bases of discrimination and gave the federal government strong enforcement tools as described below.

Q: What is the purpose of the FHA?

The purpose of the FHA is to guarantee equal access to all housing opportunities, free of discrimination on the basis of race, color, national origin, religion, sex, familial status or disability.

Q: How are domestic violence shelters covered by the FHA?

The FHA prohibits discrimination in any type of transaction involving a “dwelling.” Nontraditional housing, such as a domestic violence shelter, is considered a dwelling in some circumstances. Courts typically look at factors such as whether a person sees the shelter as his/her residence for a period of time, whether s/he intends to stay, whether s/he keeps his/her belongings there, whether s/he has another residence, and how long individuals typically stay at the shelter. The more “transient” its population is, the less

likely a shelter is to be deemed a dwelling. Thus, a shelter that allows only a one or two night stay is not likely to be covered by the FHA, but a facility where individuals stay for a longer period may be.

Q: What does a domestic violence shelter have to do to comply with the FHA?

Written and unwritten admission criteria and operational rules should be reviewed to insure they are nondiscriminatory. It is essential to train staff in their obligations under the FHA. It is good practice, but not required by the FHA, to have a written policy of non-discrimination that is posted and provided to staff and residents.

Race, color, national origin discrimination. An individual cannot be excluded or treated differently at the shelter because of his/her race, color, or national origin. Nor can a shelter implement criteria for admission or an operational rule that has the effect of discriminating on these bases. For example, a **rule requiring residents to be able to speak English could have the effect of discriminating on the basis of national origin.** The shelter must also insure that residents are free of racial or ethnic harassment by employees or other residents.

Religious discrimination. A religious organization operating a shelter may discriminate in favor of its own members and give preference to individuals of the same religion, unless membership in the religion is restricted on account of race, color, or national origin.

Sex discrimination. While most individuals who apply for admission to domestic violence shelters happen to be women, that does not necessarily mean that a shelter can have a rule excluding male tenancy. Sex discrimination is prohibited under the FHA. However, the law does recognize that some housing opportunities may be limited in order to protect sexual privacy, which means that a shelter can exclude males from admission if sleeping and bathroom facilities are shared. But a shelter that affords private locked sleeping rooms maybe required to admit individuals of both sexes who otherwise meet their admission requirements.

Familial status discrimination. With some exceptions for senior housing, the FHA prohibits housing providers from refusing to admit adults on the basis of the fact that they live with children under 18. However, a shelter can set reasonable limits on the number of individuals who can occupy a unit, and this may result in large families with children being excluded. Also, as noted above, reasonable policies designed to protect sexual privacy are permissible where there are shared sleeping and bathroom facilities, and a court could find that it is therefore legitimate to exclude older male teenagers from a shelter. However, limitations that have the effect of excluding all children are likely to be unlawful.

Disability. Like the ADA, the FHA prohibits discrimination on the basis of disability -- discriminatory admission criteria and operating rules are forbidden and reasonable accommodations in rules and procedures must be made. The requirements for architectural accessibility are different, however. Under the FHA, there is no obligation to make accessibility improvements to housing that was built before 1988. However, the FHA has a specific requirement allowing tenants with disabilities to make reasonable structural modifications at their own cost. The owner can require that such modifications

to individual units be restored to their original condition when the individual leaves but changes to common areas – such as the entrance and lobby – need not be restored.

Under the FHA, multi-family housing (4 or more units) built after the 1988 amendments must have specific accessibility features such as entrance ramps, doorways and hallways wide enough for wheelchair passage, and kitchens and bathrooms configured in such a way that wheelchair-users can move in and around the space. It is not clear whether these requirements apply to shelters that provide communal living space rather than separate sleeping units. Shelter operators should be aware of these general requirements and seek legal advice of necessary.

Q: How is the FHA enforced?

The FHA provides a variety of ways to enforce fair housing rights and affords strong remedies.

Administrative Proceedings

The FHA established an administrative process for handling FHA complaints. Individuals may file complaints about discrimination with to the U.S. Department of Housing and Urban Development (HUD). If the state or locality in which the complaint arose has a comparable fair housing law, HUD will refer the matter to the appropriate state or local agency. A list of all the states and localities that have comparable fair housing laws and the relevant agencies can be found at

<http://www.hud.gov/offices/fheo/partners/FHAP/agencies.cfm>

Complaints handled by the states and localities should be processed at the state level in the same way that HUD would handle them at the federal level, but that does not always happen.

If the state or locality in which the complaint arose does not have a comparable fair housing law, HUD will investigate and will first attempt to resolve the matter informally. If there is no resolution and the investigation results in a determination that discrimination has occurred, HUD will issue a formal charge of discrimination.

At that point either party can decide to have the matter tried in federal court, in which case the Department of Justice (DOJ) files a lawsuit on behalf of the individual who believes s/he was discriminated against. If neither party elects to go to court, an “administrative hearing,” very similar to a court trial, is held before an administrative law judge. HUD attorneys, rather than DOJ attorneys act on behalf of the individual who claims discrimination. Whether it is an administrative hearing or a federal court trial, the result can be an order to remedy the discrimination: change the discriminatory policy, offer the housing that was denied, make the accommodation, etc. Individuals may also receive compensatory monetary damages. In addition, if DOJ files the lawsuit, victims of discrimination can also obtain “punitive damages” – that is, an amount of money designed to punish the person who has discriminated. This can be an amount substantially greater than the compensatory damages that the individual has received, but it is only awarded when there is a “willful disregard” of the individual’s civil rights. If the administrative hearing route is followed, punitive damages aren’t available, but the administrative law judge can order civil penalties (a fine paid to the government) – of up to \$11,000 for a first offense, up to \$27,500 for a second offense, and up to \$50,000 for a third.

Lawsuits

Instead of (or in addition to) filing an administrative complaint with HUD, individuals can file lawsuits to enforce their rights under the FHA in state or federal court. If a judge (or jury) finds that discrimination has occurred, the individual can receive compensatory and punitive damages. The court can also issue an order requiring the housing/shelter provider to change the discriminatory policy, provide the housing, etc.

The Department of Justice can also file suit even if it has not received an individual complaint through the HUD process if it believes there is a more widespread or particularly serious problem of discrimination. In the DOJ suit, the court may award both compensatory and punitive damages for individual complainants, civil penalties paid to the government, and an order to remedy the discrimination.

Q: Where can I get more information about the FHA?

Both HUD and DOJ provide information about the FHA on their websites. HUD's website: <http://www.hud.gov/offices/fheo/FHLaws/>. DOJ's website: <http://www.usdoj.gov/crt/housing/>

III. TITLE VI OF THE 1964 CIVIL RIGHTS ACT & SECTION 504 OF THE REHABILITATION ACT

Q: What is Title VI?

Title VI is part of the landmark Civil Rights Act of 1964 targeting racial discrimination in many aspects of society. Title VI was intended specifically to insure that federal monies are not used to finance discrimination. Thus Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives "federal financial assistance."

Q: What is "federal financial assistance"?

A direct grant from a federal agency is the simplest example of "federal financial assistance." But a shelter might also receive federal financial assistance if, for example, a state agency that is the principal recipient redistributes federal funds to various organizations, including the shelter. If a shelter receives federal financial assistance directly from a federal agency or redistributed through a state, it will generally be required to sign an "assurance of nondiscrimination" form as a condition of receipt of the funds, thus giving it notice of its obligations under these laws. A shelter may also receive federal financial assistance indirectly if shelters are reimbursed for services through federal programs that provide benefits to eligible individuals such as Social Security or Medicare.

Q: What is Section 504?

Section 504 is part of the 1973 Rehabilitation Act that provided numerous programs for individuals with disabilities. Like Title VI, Section 504 was intended to insure that federal monies are not used to finance discrimination. Like Title VI, Section 504 prohibits discrimination on the basis of disability in any program or activity that receives "federal financial assistance."

Q: Are the nondiscrimination mandates in Title VI and Section 504 different than the ADA or the FHA?

The nondiscrimination mandate is essentially the same for all of these laws. However, there are no exemptions under Title VI and Section 504. So, for example, a religious organization that has no ADA obligations would be prohibited from discriminating on the basis of disability and would be required to make reasonable accommodations if it receives federal financial assistance

Q: How are Title VI and Section 504 enforced?

An individual may file a lawsuit in federal court if s/he believes discrimination has occurred. If a case is successful, the court can award compensatory damages to the plaintiff and can order changes to eliminate the discriminatory practices. Individuals may also file a complaint with the federal agency responsible for providing federal financial assistance to the shelter. Agencies are required to investigate such complaints and will attempt to resolve them, often through a compliance agreement. If compliance cannot be obtained voluntarily, the agencies have the authority to cut off federal funding or to refer the matter to DOJ for litigation, but these tools are rarely used.

Q: Where can I get more information about Title VI and Section 504?

The particular agency that has provided the funding will be able to provide information about compliance requirements. DOJ also has general coordinating authority for both Title VI and Section 504 and can provide information about both.

For Title VI, see: <http://www.usdoj.gov/crt/cor/>

For Section 504, see: <http://www.usdoj.gov/crt/drs/drshome.php>

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The National Law Center on Homelessness and Poverty's mission is to prevent and end homelessness by serving as the legal arm of the nationwide movement to end homelessness. To achieve its mission, NLCHP pursues three main strategies: impact litigation, policy advocacy, and public education.
