



**U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity**

**Notice on the Effect of COVID-19
and the Fair Housing Assistance Program**

I. Purpose

This Notice addresses the effect of the COVID-19 and the operations of HUD's enforcement partners in the Fair Housing Assistance Program (FHAP). On March 11, 2020, the World Health Organization declared the spread of COVID-19 to be a global pandemic. On March 13, President Trump issued a proclamation declaring a national emergency. This extraordinary situation has already caused, and will continue to cause, disruptions to the normal operations of agencies participating in the FHAP.

Specifically, this Notice addresses compliance with FHAP agreements with HUD (the Department); the use of certain FHAP funds to address fair housing issues related to COVID-19 (including flexibilities related to use of such funds); and the availability of collaboration / technical assistance from HUD in addressing concerns related to COVID-19.

II. Discussion

A. Compliance with FHAP Agreements

HUD's partners in the FHAP are all public agencies, and therefore bound to follow instructions from their jurisdictions with respect to COVID-19. While HUD expects that any such instructions with respect to work processes would be similar to those adopted by the federal government, the Department realizes that instructions may vary based on a multitude of factors, including the severity of an outbreak in a given jurisdiction.

Even absent a directive to suspend operations, the normal operations of a FHAP agency may be affected in several ways, *e.g.*, a decision to suspend on-site or in-person interviews in order to minimize potential exposure, or a decision to suspend travel to trainings or conferences. In the face of the extraordinary circumstances of the COVID-19 pandemic, the Department assumes that State and local jurisdictions will make informed, prudent decisions regarding work processes that are informed by a desire to protect the health of its employees. HUD's normal monitoring of the performance of our enforcement partners will take into consideration the extraordinary challenges created by the COVID-19 outbreak.

B. Use of Certain Funds / Flexibilities in Connection with COVID-19

As described in the FY2020 FHAP Guidance issued on March 4, 2020, HUD has made funds available under both Partnership funding and Special Enforcement Efforts (SEE) funding.

Specific guidance for the use of these funds was issued on March 5, 2020. While that guidance remains in full effect, this Guidance explicitly authorizes the use of FY2020 FHAP Partnership Funds and Special Enforcement Efforts (SEE) funds to address fair housing and civil rights concerns faced by individuals in connection with the COVID-19 pandemic.

The spread of COVID-19 has serious potential to adversely impact the fair housing and civil rights of individuals, particularly on the bases of race, national origin, and/or disability. For example, housing providers may refuse to negotiate with persons that the housing provider perceives, on the basis of race or national origin, to be associated with an area where a COVID-19 outbreak is prevalent. HUD also recognizes that persons with disabilities, including persons who live in institutional settings or older persons who have impairments that put them at higher risk for infection, may face unique issues that have fair housing and civil rights implications.

In order to assist our Fair Housing partners in combatting violations of State and local substantially equivalent laws, HUD wishes to make it clear that awards available under FY2020 Partnership funds, whether for education and outreach or testing, may be used in connection with fair housing issues arising from the COVID-19 outbreak. An intent to use the funds in this way should be discussed in an agency's Statement of Work related to the use of Partnership funds.

Likewise, potential SEE funds awards may be directed towards COVID-19 related fair housing concerns. While the 2020 FHAP Guidance discusses two categories of SEE funds specifically (the *Enforcement Fund* and *Extraordinary Costs Assistance*), FHAP agencies eligible for SEE funds may nonetheless propose their own use of such funds in connection with fair housing issues arising from the COVID-19 outbreak to their respective FHAP GTR / FHEO Regional Director.

Additionally, the Department understands that potential disruptions to the normal operations of our FHAP agencies have the potential to adversely impact the timely use of Partnership and/or SEE funds. In recognition of these realities, HUD intends to exercise all flexibilities at its disposal with regard to the timely use of these funds.

III. Collaboration / Technical Assistance

The Department is available to work with our fair housing enforcement partners in jurisdictions facing fair housing issues related to COVID-19 outbreak. Requests for collaboration / technical assistance should be directed to your respective Regional Office, which may consult with HUD headquarters as necessary.