

Federal Guidance Affirmation

The Georgia Department of Community Affairs has a responsibility to affirmatively further fair housing within its housing programs. As required by the 2024-2025 Qualified Allocation Plan (Threshold Criteria) Tenant Selection, subsection B. Federal Guidance Affirmation, Applicants must sign and submit this Affirmation, confirming Applicant's understanding of responsibilities as they relate to federal laws and guidelines governing tenant selection and screening, fair housing advertising, program accessibility, and housing safeguards for survivors of intimate partner violence, including, but not limited to:

- Title VI of the Civil Rights Act of 1964
 - Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.
 - Recipients of federal financial assistance are required to take reasonable steps to ensure meaningful access to their programs and activities by limited English proficient (LEP) persons.
 - Additional guidance is available [here](#).
- The Fair Housing Act (Title VIII of the Civil Rights Act of 1968, and amendments thereto)
 - Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex (including gender identity and sexual orientation), familial status, national origin, and disability. It also requires that all federal programs relating to housing and urban development be administered in a manner that allows for equal access and affirmatively furthers fair housing.
 - Under the Fair Housing Act, a reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service. The Fair Housing Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling and public and common use areas.
 - In addition, the Fair Housing Act prohibits a housing provider from refusing to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises. Additional guidance is available [here](#).
- Section 504 of the Rehabilitation Act of 1973 ("Section 504")
 - Prohibits discrimination based upon disability in all programs or activities operated by recipients of federal financial assistance, as applicable.
 - Additional information is available [here](#) and [here](#).
- Title II of the Americans with Disabilities Act of 1990
 - Title II of the ADA prohibits discrimination based on disability in programs and activities provided or made available by public entities. HUD enforces Title II with respect to housing-related programs and activities of public entities, including public housing, housing assistance and housing referrals.
- The Violence Against Women Act of 1994 (VAWA)
 - It is illegal to deny any applicant admission or assistance, or to evict a resident, or to terminate their participation, under any covered housing program, if a resident or

household member is, or has been, a survivor of VAWA violence/abuse, regardless of sex, gender identity, or sexual orientation. In addition, it is illegal to deny tenancy or occupancy rights to a resident in a covered housing program (for example, a resident cannot be evicted) solely on the basis of criminal activity directly relating to the VAWA violence/abuse (See [24 C.F.R. § 5.2005\(b\)](#)).

- VAWA also requires the establishment of emergency transfer plans for facilitating the emergency relocation of certain tenants who are victims of domestic violence, dating violence, sexual assault, or stalking.
- Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions, 2016, available [here](#).
 - When screening a new tenant, Property Owners should not rely on criminal convictions unless required by law or program regulation. In cases where such screening is deemed necessary, Property Owners must abide by the following:
 - Do not apply blanket policies when screening for justice involvement (e.g. a “no felony” policy).
 - Do not consider arrest records, just conviction records, in tenant selection screening.
 - Use reasonable time frames when considering how long ago a criminal conviction will be considered as part of tenant selection screening. HUD cites studies indicating that it may be reasonable to not consider criminal convictions older than 6-7 years.
 - It may be reasonable to not consider certain convictions at all, or some may require shorter lookback periods. Not all crimes, if repeated, would harm residents, employees, or property. Remember the point of valid tenant selection screening criteria: protect people and property.
 - Be willing to have an individualized assessment and understanding of an applicant’s criminal justice involvement.

____/____/____

Date

Applicant/Entity

Authorized Signature