

**AMENDMENT TO THE ADMINISTRATIVE PLAN AND TRANSFER POLICY FOR  
FEDERAL PUBLIC HOUSING**

**CIVIL RIGHTS VIOLATIONS POLICY**

**January 11, 2012**

**Civil Rights Violations**

It is the policy of the Lowell Housing Authority (LHA) to administer all aspects of its housing programs without regard to race, color, sex, national origin, religion, familial status or handicap. The Civil Rights Protection Law is designed to protect applicants, residents and their visitors from threats, harassment, violence or abuse while on LHA property. Anyone who believes he/she has been victimized by an alleged discriminatory act in violation of his/her civil rights is strongly urged to report the incident to the Property Manager or to the Lowell Police Department. Employees who observe any act of discrimination must report the incident immediately to their supervisor.

**Identifying a Civil Rights Incident**

When an LHA employee learns of an incident involving threats, harassment, violence or abuse, he/she should immediately report the incident to their immediate supervisor.

**Bias Indicators:** Bias indicators are certain facts and circumstances which, coupled with particular language or behavior, suggest that a potential civil rights violation has occurred. The presence of any one indicator does not necessarily mean that a civil rights violation has occurred, but rather is an indication that an administrative inquiry is required to make a determination.

**Bias Motive:** Bias motive is hostility, or negative attitude toward , or prejudice against any group or individual due to race, color, national/ethnic origin, religion, gender, sexual orientation or handicap, which is a factor in whole or in part, in the commission of an act. A bias motive can be implied from the presence of one or more of the following list of indicators. This is not an exhaustive list.

## **Bias Indicators**

- The offender and the victim were of different racial, religious, ethnic/national origin, handicap, sexual orientation or gender.
- Bias-related oral comments, written statements or gestures were made by the offender which indicates his/her bias.
- Bias-related drawings, markings, symbols or graffiti were left at the scene of an incident or anywhere on or about the LHA property.
- Certain objects, items, or things which indicate bias were used or left behind by the offender(s).
- The victim is a member of a racial, religious, ethnic/national origin, handicap, sexual orientation or gender group that is outnumbered by members of another group in the area where the victim lives and/or the incident occurred.
- The victim is visiting a location where previous civil rights violations had been committed against other members of his/her racial, religious, ethnic/national origin, handicap, sexual orientation or gender group.
- Victims or witnesses perceive that the incident was motivated by bias.
- The victim was engaged in activities promoting racial, religious, ethnic/national origin, handicap, sexual orientation or a gender group.
- The incident coincided with a holiday relating to, or a date of particular significance to, a racial, ethnic/national origin, handicap, sexual orientation or gender group.
- The offender was previously involved in a similar incident or is a member of, or associates with, a hate group.
- A historically established animosity exists between the victim and the offender's group.
- The victim was in the company of, married to, or dating a member of a targeted group.
- The victim has received harassing mail or phone calls or has been victim of verbal abuse based on his/her affiliation with a targeted group.

## **Completing the Civil Rights Violation Report Form**

A Civil Rights Violation Report Form must be completed for each reported incident. The Property Manager or Assistant Property Manager should complete this form with the resident. Supporting documentation such as police reports should be attached. The incident must be immediately reported to the Assistant Executive Director and a copy of the report should be forwarded to the Executive Office. A conference will be scheduled within three days and held within seven days of the incident. The resident should be advised to report any future incidents to the Property Manager's Office immediately. The resident must also be advised of their right to apply for a transfer and of their right to file a complaint with the U.S. Department of Housing and Urban Development (HUD), Fair Housing Enforcement Center, under the Fair Housing Act. Additionally, the Property Manager or Assistant Property Manager will inform the resident of possible relief available if the LHA determines there is evidence of a civil rights violation by obtaining a no trespass order against the offender, providing an emergency transfer or eviction of the offender. In an emergency situation, the Property Manager or Assistant Property Manager must obtain immediate police assistance.

## **Amendment to the Transfer Policy:**

### **Transfers Related to Civil Rights Incidents**

A Lowell Housing Authority resident who is a victim of physical harassment, extreme or repeated vandalism to personal property, or extreme or repeated verbal harassment, threats, intimidation, or coercion, which is bias motivated and which cannot be remedied in other ways, such as by LHA eviction of the people responsible for such harassment or other action, may qualify for an emergency transfer to another unit within the development or to another LHA development. Extreme or repeated instances of bias-motivated verbal harassment, threats, intimidation, or coercion may constitute grounds for an emergency transfer, even absent physical injury or property damage suffered by the victim of such verbal harassment, threats, intimidation, or coercion. When a resident requests a transfer due to threats, harassment, violence or abuse containing bias indicators, the transfer request form must state that the transfer request is based upon alleged civil rights violation. The transfer request form will be accepted at the Property Manager's Office and must indicate the date the form was accepted. The resident will be provided a copy of the form. The Property Manager should attach a written recommendation relative to the transfer request and should also attach a copy of the Civil Rights Violation Report Form.

The Property Manager, in consultation with the Assistant Executive Director, will make a determination on the transfer request and will notify the resident within seven days of the request. Upon approval, the Property Manager will place the family on the transfer list within the development or on the transfer list for all other developments, as per the request of the resident.

If a transfer request is denied, a letter will be mailed to the resident listing the specific reasons for the decision. Residents have the opportunity to dispute this determination through the LHA grievance procedure, as found in the Administrative Plan for the Low Rent Public Housing Program.

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