STATEMENT IN SUPPORT OF COMPLAINT OF THE NATIONAL FAIR HOUSING ALLIANCE; MIAMI VALLEY FAIR HOUSING CENTER; FAIR HOUSING CENTER OF CENTRAL INDIANA; TOLEDO FAIR HOUSING CENTER; HOPE FAIR HOUSING CENTER; SOUTH SUBURBAN FAIR HOUSING CENTER; DENVER METRO FAIR HOUSING CENTER; AND GREATER NEW ORLEANS FAIR HOUSING ACTION CENTER AGAINST SAFEGUARD PROPERTIES

I. INTRODUCTION

The National Fair Housing Alliance, Miami Valley Fair Housing Center, Fair Housing Center of Central Indiana, Toledo Fair Housing Center, HOPE Fair Housing Center, South Suburban Housing Center, Denver Metro Fair Housing Center, and Greater New Orleans Fair Housing Action Center (collectively, "Complainants") bring this complaint based on Respondents Safeguard Properties LLC and Safeguard Properties Management LLC's (collectively, "Respondents") racial discrimination in their maintenance of foreclosed homes in violation of the Fair Housing Act of 1968, as amended, 42 U.S.C. §§ 3601 et seq. ("FHA").

Confronted with a national foreclosure crisis, Complainants have turned their attention to the maintenance and rehabilitation of foreclosed properties in an effort to ensure that all communities are being treated equally by those responsible for maintaining foreclosed properties and preparing them for resale. Far from equal treatment, there are significant disparities in the maintenance of foreclosed properties in communities of color compared to White communities.

Respondents are Field Service Vendors (FSVs) that have contracted with Fannie Mae to provide property maintenance services at Real Estate Owned properties (REOs) owned or controlled by Fannie Mae. Respondents have engaged in a pattern of discrimination through their selective fulfillment of their FSV responsibilities based on race. Specifically, Respondents maintain Fannie Mae properties located in White census tracts noticeably better than they maintain Fannie Mae properties located in predominantly African-American and Latino neighborhoods in the same metropolitan area. Respondents have engaged in such discriminatory conduct in communities across the country, including Dayton, Ohio; Indianapolis, Indiana; Chicago, Illinois; Charleston, South Carolina; Memphis, Tennessee; Denver, Colorado; Baton Rouge, Louisiana; and New Orleans, Louisiana.

The result of the Respondents' unlawful behavior is deteriorating and neglected structures in minority communities, as compared to well-maintained, attractive properties in White neighborhoods. Respondents' conduct has impeded neighborhood stabilization and economic recovery, and harmed investors, homeowners, and municipalities by unnecessarily depressing property values.

Respondents' discriminatory maintenance practices have also interfered with Complainants' efforts and programs designed to promote compliance with fair housing laws, and frustrated Complainants' missions by perpetuating the very unlawful discrimination that Complainants are dedicated to dismantling. As a result, Complainants have been forced to divert substantial time and resources to detecting, investigating, and counteracting Respondent's

unlawful conduct, and engaging in outreach and education efforts to address Respondents' ongoing discrimination.

II. PARTIES

Complainant National Fair Housing Alliance ("NFHA") is a national, non-profit, public service organization incorporated under the laws of the Commonwealth of Virginia with its principal place of business in Washington, D.C. NFHA is a nationwide alliance of private, non-profit, fair housing organizations, including organizations in 28 states. NFHA is the only national organization dedicated solely to ending housing discrimination and promoting residential integration. NFHA works to eliminate housing discrimination and to ensure equal housing opportunities for all people through leadership, education and outreach, membership services, public policy initiatives, advocacy, investigation of fair housing violations, and enforcement actions.

Complainant Miami Valley Fair Housing Center ("MVFHC") is a private, non-profit corporation based in Dayton, Ohio. Recognizing the importance of "home" as a component of the American dream, MVFHC seeks to eliminate housing discrimination against all persons because of race, color, religion, national origin, sex, disability, familial status, or any other characteristic protected under state or local laws.

Complainant Fair Housing Center of Central Indiana ("FHCCI") is a private, non-profit fair housing organization that primarily serves eleven counties in Central Indiana. Understanding that housing discrimination perpetuates community, economic, and racial divisions, FHCCI seeks to ensure equal housing opportunities for all through advocacy, enforcement, education, and outreach.

Complainant Toledo Fair Housing Center ("TFHC") is a non-profit civil rights agency dedicated to the elimination of housing discrimination and the expansion of neighborhood choice for all individuals. The Fair Housing Center seeks to ensure equal opportunities to housing, neighborhoods, and lending through education, advocacy, enforcement, and public policy work.

Complainant HOPE Fair Housing Center ("HOPE") is a fair housing organization that strives to eliminate housing discrimination and the devastation it causes, in order to ensure greater housing opportunities and choice for people regardless of race, color, sex, religion, national origin, sexual orientation, disability, or familial status. HOPE serves DuPage, Kane and portions of Cook County as well as 28 other counties in Northern and North Central Illinois.

Complainant South Suburban Housing Center is a non-profit fair housing organization based in Illinois. The South Suburban Housing Center is dedicated to eliminating all forms of discrimination and exploitation in the housing market.

Complainant Denver Metro Fair Housing Center is a non-profit fair housing center serving six counties in the Denver metropolitan area. It is dedicated to eliminating housing discrimination and promoting housing choice through education, advocacy, and enforcement of fair housing laws.

Complainant Greater New Orleans Fair Housing Action Center is a non-profit civil rights organization committed to eradicating housing discrimination throughout the greater New Orleans area through education, investigation, and enforcement activities. It also seeks to promote fair competition throughout the housing marketplace.

Respondents Safeguard Properties, LLC and Safeguard Properties Management, LLC are limited liability companies incorporated under the laws of Delaware and headquartered in Ohio. Safeguard Properties is the largest privately held field services company in the country. It operates nationwide and maintains more than 1,600 employees. (This Complaint is intended to be filed against any other subsidiary, division, or corporate entity of Safeguard Properties that plays a role in maintaining or servicing REO properties owned or controlled by Fannie Mae.)

III. Factual Background

Complainants examined Respondents' maintenance of Fannie Mae REO properties in Dayton, Toledo, Indianapolis, Chicago, Charleston, Memphis, Denver, Baton Rouge, and New Orleans in an investigation that spanned from 2010 to the present and included over 200 properties.

Complainants investigated Respondents' maintenance of Fannie Mae REO properties along the following eight objective criteria:

- (1) Substantial Accumulation of Trash or Debris
- (2) Overgrown Grass/Leaves
- (3) Overgrown or Dead Shrubbery
- (4) Invasive Plants (Covering 10% or More of the Structure)
- (5) Unsecured or Broken Doors
- (6) Unsecured or Broken Windows
- (7) Unsecured Holes in the Structure
- (8) Broken or Missing Steps and Handrails

These eight categories correspond with the specific maintenance services that FSVs contracting with Fannie Mae are required to perform. Having contracted with Fannie Mae to provide maintenance services on the REO properties Complainants investigated, each of the eight maintenance criteria upon which the properties were investigated reflect maintenance duties assigned to Respondents.

In each metropolitan area where Complainants investigated Fannie Mae REO properties Respondents were responsible for servicing, they identified specific zip codes associated with communities that were predominantly African-American, Latino, non-White, and/or White and that had high foreclosure rates for the area. ¹ The selected zip codes were in moderate, middle,

¹ To determine the racial or ethnic composition of the communities in which the investigated properties were located, Complainants relied upon 2010 U.S. Census Bureau Block Group Data. Communities were defined as "White" if the surrounding block group was over 50% White, "African-American" if the surrounding block group was over 50% African-American, "Latino" if the block group contained over 50% Hispanic residents, and "Majority non-White" if the White population of the surrounding block group was less than 50% and no other single racial or

and higher income areas across racial lines. Complainants identified and investigated all of the Fannie Mae REO properties serviced by Respondents in the relevant zip codes, unless they were already occupied or under renovation at the time of the site visit.

Complainants' evaluation of over 200 properties in five metropolitan areas revealed that Respondents treated properties differently depending on the racial composition of the neighborhoods in which they were located. In each of the five metropolitan areas surveyed, the REO properties located in predominantly White census tracts were better-maintained and exhibited fewer maintenance deficiencies than the REO properties located in neighborhoods comprised primarily of African-Americans or Latinos. Across the board, properties located in communities of color were considerably more likely to have a substantial number of visible maintenance deficiencies than those located in White areas. These results reveal Respondents' systemic practice of providing noticeably inferior maintenance services for REO properties in African-American and Latino communities, and thereby discriminating on the basis of race, color, and/or national origin.

A brief overview of Complainants' findings is included below:

A. Dayton, Ohio

In Dayton, Ohio, Complainants investigated 27 Fannie Mae REO properties serviced by Respondents, including 11 properties in African-American communities and 16 properties in White communities.

Overall findings:

- 63% of REO properties Respondents serviced in African-American neighborhoods had 3 or more deficiencies, while this occurred in only 19% of properties in White neighborhoods.
- 18% of REO properties Respondents serviced in African-American neighborhoods had 5 or more deficiencies, while not one property in a White neighborhood had 5 or more deficiencies.

Specific findings:

- 37% of REO properties Respondents serviced in African-American neighborhoods had unsecured holes on the building structure, whereas only 19% of the properties in the White neighborhoods had the same deficiency.
- 28% of REO properties Respondents serviced in African-American neighborhoods had significant trash accumulation, compared to only 19% in White neighborhoods.

ethnic group comprised over 50% of the population alone. Hereinafter, where Complainants refer to "communities of color," they collectively refer to all REO properties in African-American, Latino and Majority non-White communities.

- 45% of REO properties Respondents serviced in African-American neighborhoods had overgrown or dead shrubbery, whereas only 19% of the properties in White neighborhoods had the same maintenance deficiency.
- 64% of REO properties Respondents serviced in African-American neighborhoods had substantial overgrowth of invasive plants, compared to only 44% in White neighborhoods.
- 55% of REO properties Respondents serviced in African-American neighborhoods had damaged steps or handrails, compared to only 19% in White neighborhoods, meaning that properties Respondents serviced in African-American neighborhoods were nearly three times as likely to have damaged steps or handrails compared to those in White neighborhoods.

B. Toledo, Ohio

Complainants reviewed 33 Fannie Mae REO properties serviced by Respondents, 8 of which were located in African-American communities and 25 of which were in White communities.

Overall findings:

- 88% of REO properties Respondents serviced in African-American neighborhoods had 3 or more deficiencies, while this occurred in only 24% of properties in White neighborhoods.
- 25% of REO properties Respondents serviced in African-American neighborhoods had 5 or more deficiencies, while this occurred in only 4% of properties in White neighborhoods.

- 38% of REO properties Respondents serviced in African-American neighborhoods had unsecured holes on the building structure, whereas only 16% of the properties in White neighborhoods had the same deficiency.
- 25% of REO properties Respondents serviced in African-American neighborhoods had significant trash accumulation, compared to none in White neighborhoods.
- 50% of REO properties Respondents serviced in African-American neighborhoods had overgrown or dead shrubbery, whereas only 28% of the properties in White neighborhoods had the same maintenance deficiency.
- 75% of REO properties Respondents serviced in African-American neighborhoods had broken or unsecured doors, compared to only 20% in White neighborhoods,

making properties Respondents serviced in African-American neighborhoods nearly four times as likely to have this maintenance deficiency as those in White neighborhoods.

- 38% of REO properties Respondents serviced in African-American neighborhoods had unsecured or broken windows, compared to only 12% in White neighborhoods.
- 50% of REO properties Respondents serviced in African-American neighborhoods had damaged steps or handrails, compared to only 8% in White neighborhoods, making properties in African-American neighborhoods more than six times more likely to have damaged steps or handrails.

C. Indianapolis, Indiana

In Indianapolis, Indiana, Complainants investigated 30 Fannie Mae REO properties serviced by Respondents, including 9 properties in African-American communities, 7 properties in majority non-White communities, and 14 properties in White communities.

Overall findings:

 44% of REO properties Respondents serviced in neighborhoods of color had 3 or more deficiencies, while this occurred in only 29% of properties in White neighborhoods.

- 44% of REO properties Respondents serviced in communities of color had substantial trash accumulation, while only 14% in White neighborhoods had the same deficiency, meaning that properties in non-White neighborhoods were 3 times more likely to have substantial trash accumulation than those in White neighborhoods.
- 25% of REO properties Respondents serviced in non-White neighborhoods had broken or unsecured windows, whereas only 14% of the properties in White neighborhoods had the same maintenance deficiency.
- 25% of REO properties Respondents serviced in communities of color had unsecured holes in the building structure, compared to only 7% in White neighborhoods.
- 31% of REO properties Respondents serviced in communities of color had invasive plants, compared to only 14% in White neighborhoods.

D. Chicago, Illinois

In the Chicago metropolitan area, Complainants reviewed 26 Fannie Mae REO properties serviced by Respondents, 14 of which were located in African-American communities, 2 of which were in majority non-White communities, and 10 of which were in White communities.

Overall findings:

• 70% of REO properties Respondents serviced in White neighborhoods did not have a single deficiency, while only 14% of properties in communities of color exhibited the same absence of maintenance deficiencies. In other words, 7 out of 10 properties Safeguard maintained in White neighborhoods had no deficiencies, while only 2 of 14 properties reviewed in African-American communities had no deficiencies.

Specific findings:

- 25% of REO properties Respondents serviced in communities of color had significant trash accumulation, compared to none in White neighborhoods.
- 38% of REO properties Respondents serviced in communities of color had invasive plants, compared to only 10% in White neighborhoods.
- 19% of REO properties Respondents serviced in communities of color had unsecured holes in the structure, while none of the properties in White neighborhoods had the same problem.
- 14% of REO properties Respondents serviced in communities of color had damaged steps or handrails, while none of the properties in White neighborhoods were left with the same maintenance deficiency.

E. Charleston, South Carolina

Complainants investigated 13 Fannie Mae REO properties serviced by Respondents in Charleston, 4 of which were in African-American communities and 9 of which were in White communities.

Overall findings:

- 67% of REO properties Respondents serviced in White neighborhoods did not have a single deficiency, while every REO property in African-American neighborhoods had at least one maintenance deficiency.
- 50% of REO properties Respondents serviced in African-American neighborhoods had 3 or more deficiencies, while not a single property in a White neighborhood was left with 3 or more maintenance deficiencies.

Specific findings:

- 50% of REO properties Respondents serviced in African-American neighborhoods had overgrown grass and leaves, while none of the properties in White neighborhoods had overgrown grass or leaves.
- 50% of REO properties Respondents serviced in African-American neighborhoods had overgrown or dead shrubbery, compared to zero properties in White neighborhoods.
- 50% of REO properties Respondents serviced in African-American neighborhoods had unsecured or broken doors, whereas not a single property Respondents were responsible for servicing in a White neighborhood had the same maintenance deficiency.
- 50% of REO properties Respondents serviced in African-American neighborhoods had overgrowth of invasive plants, while only 22% of the properties in White neighborhoods had the same maintenance deficiency.
- 50% of REO properties Respondents serviced in African-American neighborhoods had unsecured holes in the building structure, while only 22% in White neighborhoods had the same maintenance deficiency.

F. Memphis, Tennessee

In Memphis, Complainants investigated 55 properties serviced by Respondents, including 31 properties in African-American communities, 4 properties in majority non-White communities, and 20 properties in White communities.

Overall findings:

- 60% of REO properties serviced by Respondents in White neighborhoods had zero deficiencies, while only 6% of REO properties in neighborhoods of color similarly lacked deficiencies.
- 95% of REO properties Respondents serviced in White neighborhoods had less than 3 deficiencies, whereas only 54% of REO properties in neighborhoods of color had less than 3 deficiencies.
- 46% of REO properties serviced by Respondents in neighborhoods of color had 3 or more deficiencies, while only 5% of REO properties in White neighborhoods had the same number of deficiencies.

Specific findings:

- 54% of REO properties Respondents serviced in neighborhoods of color had significant trash accumulation, while not a single property in a White neighborhood had the same deficiency.
- 37% of REO properties serviced by Respondents in neighborhoods of color had overgrown grass and leaves, while only 10% of REO properties in White neighborhoods had overgrown grass and leaves.
- 37% of REO properties Respondents serviced in neighborhoods of color had overgrown or dead shrubbery, compared to only 10% of REO properties in White neighborhoods with overgrown or dead shrubbery.
- 29% of REO properties Respondents serviced in neighborhoods of color had substantial overgrowth of invasive plants, while only 15% of properties in White neighborhoods had the same deficiency.
- 9% of REO properties serviced by Respondents in neighborhoods of color had damaged steps and handrails, whereas not a single property Respondents were responsible for servicing in a White neighborhood had the same maintenance deficiency.
- 26% of REO properties serviced by Respondents in neighborhoods of color had broken or unsecured windows, while only 15% of properties in White neighborhoods had the same maintenance issue.
- 49% of REO properties Respondents serviced in neighborhoods of color had unsecured holes in the building structure, compared to only 10% of properties in White neighborhoods.

G. Denver, Colorado

In Denver, Complainants investigated 12 properties serviced by Respondents, 2 of which were in predominantly African-American communities, 5 of which were in predominantly Hispanic communities, and 2 of which were in White communities.

Overall findings:

 60% of REO properties Respondents serviced in White neighborhoods had zero deficiencies, while only 43% of REOs serviced in communities of color similarly lacked deficiencies.

Specific findings:

- 29% of REO properties Respondents serviced in communities of color had significant trash accumulation on the premise, whereas none of the properties in White communities had the same maintenance deficiency.
- 29% of REO properties serviced by Respondents in communities of color had overgrown or dead shrubbery, compared to only 20% of REO properties in White neighborhoods.
- 29% of REO properties Respondents serviced in communities of color had unsecured holes in the building structure, while not a single property Respondents serviced in White communities similarly had unsecured holes.

H. Baton Rouge, Louisiana

Complainants investigated 10 Fannie Mae REO properties serviced by Respondents in Baton Rouge, of which 4 were located in African-American communities and 6 were located in White communities.

Overall findings:

- 33% of REO properties Respondents serviced in White neighborhoods had zero deficiencies, while not a single REO serviced in an African-American neighborhood similarly lacked maintenance deficiencies.
- 50% of REO properties Respondents serviced in African-American communities had 2 or more deficiencies, compared to zero properties in White neighborhoods with more than 2 deficiencies.

- Every single REO property Respondents serviced in an African-American community had overgrown grass and leaves, compared to zero properties in White communities.
- 50% of properties Respondents serviced in African-American communities had significant trash accumulation, whereas none of the properties in White neighborhoods had the same deficiency.
- 50% of REO properties Respondents serviced in African-American neighborhoods had overgrown or dead shrubbery, while only 17% of the properties in White neighborhoods had the same maintenance deficiency.

- 25% of REO properties Respondents serviced in African-American communities had substantial overgrowth of invasive plants, whereas not a single property Respondents serviced in a White community had the same deficiency.
- 25% of REO properties Respondents serviced in African-American neighborhoods had unsecured holes in the building structure, compared to none in in White communities.

I. New Orleans, Louisiana

Complainants investigated 44 Fannie Mae REO properties serviced by Respondents in New Orleans, LA, including 26 properties in African-American communities, 1 property in a majority non-White community, and 17 properties in White communities.

Overall findings:

- 41% of REO properties serviced by Respondents in White neighborhoods had zero deficiencies, while none of the REO properties in communities of color had zero deficiencies.
- 37% of REO properties serviced by Respondents in communities of color had 3 or more deficiencies, while only 12% of REO properties in White neighborhoods had the same number of deficiencies.

- 78% of REO properties serviced by Respondents in communities of color had significant trash accumulation on the premise, while only 12% of REO properties in White neighborhoods had trash observed.
- 41% of REO properties serviced by Respondents in communities of color had overgrown grass and leaves, while only 29% of REO properties in White neighborhoods had the same issue.
- 52% of REO properties serviced by Respondents in communities of color had overgrown or dead shrubbery, while only 18% of REO properties in White neighborhoods had overgrown or dead shrubbery.
- 15% of REO properties serviced by Respondents in communities of color had damaged steps and handrails, while no properties located in White neighborhoods had damaged steps and handrails.
- 19% of REO properties serviced by Respondents in communities of color had broken or unsecured windows, while only 6% of properties in White neighborhoods had the same maintenance issue.

• 22% of REO properties serviced by Respondents in communities of color had unsecured holes in the structure of the home, while only 12% of properties in White neighborhoods had unsecured holes.

IV. INJURIES CAUSED BY RESPONDENTS

The unlawful discriminatory actions of Respondents have injured Complainants by: (a) undermining Complainants' education, advocacy, and training programs designed to promote fair housing and lending; (b) requiring Complainants to commit scarce resources and substantial time to evaluating properties, reviewing data, investigating complaints, engaging in a counteractive education and outreach campaign, and developing educational materials to identify and address Respondents' unlawful actions; and (c) frustrating Complainants' missions of increasing fair and equal access to housing for all Americans, regardless of race, color, or national origin.

By requiring Complainants to expend such substantial time and resources investigating and attempting to counteract Respondents' unlawful conduct, Respondents also have forced Complainants to divert scarce resources from other education, counseling, investigation, and capacity-building services. As Respondents' discriminatory practices persist, addressing and counteracting Respondents' discriminatory conduct will continue to require a substantial commitment of resources by Complainants.

Respondents' discriminatory conduct extends beyond Complainants to the communities Complainants serve. Respondents' failure to equally maintain REO properties in African-American and Latino communities in comparison to White communities has created deteriorating eye sores and depressed property values in communities of color, undermining neighborhood stabilization and curtailing economic recovery. Communities served by Complainants have thus been denied the fair housing opportunities, educational and employment opportunities, and the economic growth that accompanies well-maintained properties.

Respondents' systemic practice of failing to maintain REO properties in minority communities on the same basis as they maintain properties in White communities violates the Fair Housing Act, 42 U.S.C. §§ 3601, et seq. and HUD's implementing regulations.

Executed on 4/7/14

Shanna L. Smith

National Fair Housing Alliance

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