

Fair Housing Overview



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Civil Rights
Department
STATE OF CALIFORNIA

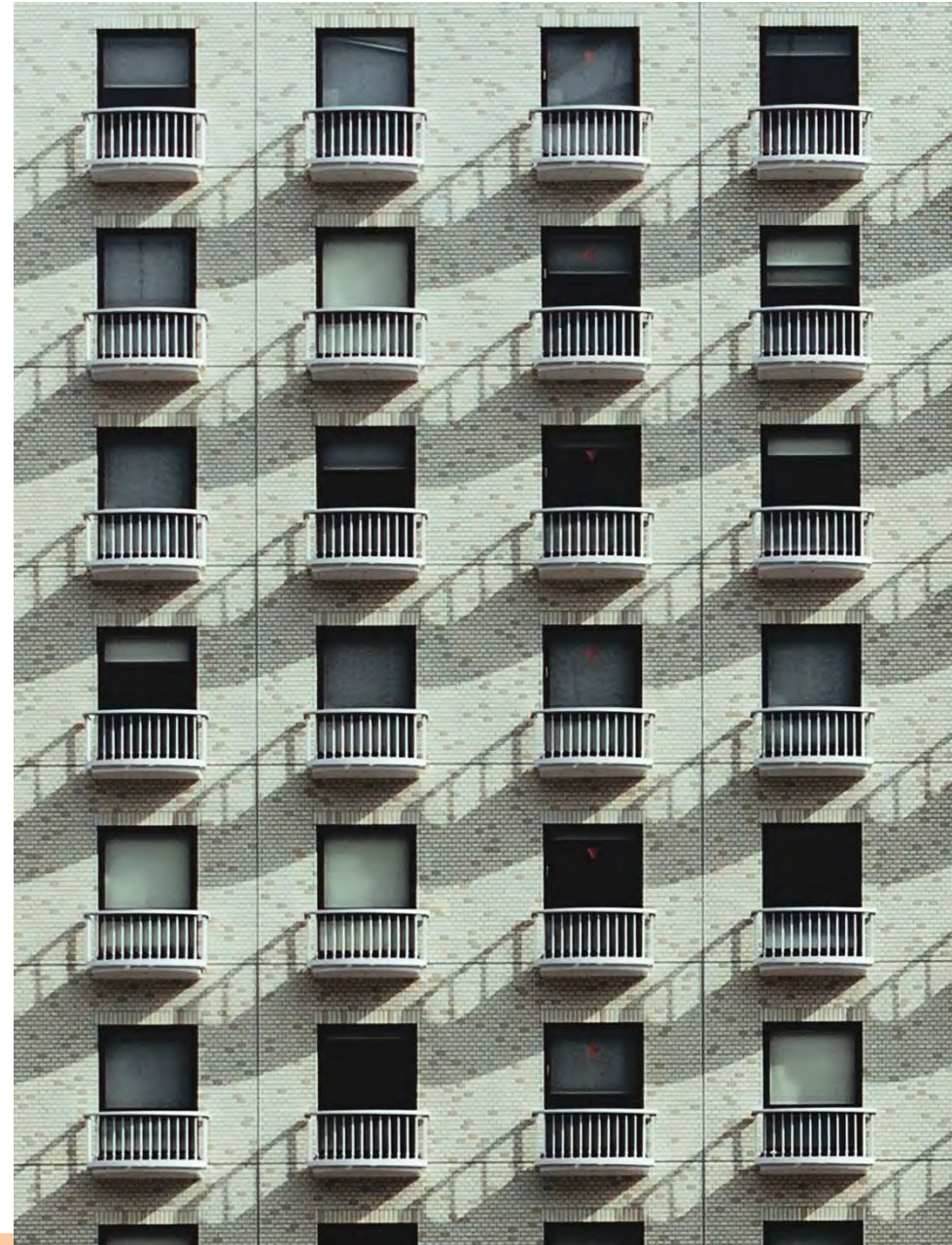
CRD disclaimer

This guidance is for informational purposes only, does not establish substantive policy or rights, and does not constitute legal advice.

This information is based on the most recent guidance as of the date of this training. It is the responsibility of the attendee to keep abreast of changing guidance and laws.

Agenda

1. About CRD
2. Fair Housing Laws
3. Overview of Specific Protected Characteristics
4. Resources
5. Questions





Keep California fair
for everyone.

CALCIVILRIGHTS.CA.GOV

Mission

The mission of the California Civil Rights Department (CRD) is to protect the people of California from unlawful discrimination in employment, housing, and public accommodations, and from hate violence and human trafficking.

What is fair housing?

Fair housing is the right to choose where you want to live without facing unlawful discrimination.

Why is fair housing an important issue?
(throw some ideas in the chat)



Clip from “A Matter of Place”

<https://vimeo.com/97722353>

A MATTER OF PLACE

A Film About Housing Discrimination





What is a protected characteristic?



Protected characteristics are things about a person or a group of people that are protected by the law from discrimination.



Example: The law protects people from discrimination based on race. So, race is a protected characteristic.

Housing-related civil rights laws enforced by CRD (1 of 2)

Fair Employment and Housing Act (FEHA)

California Government Code §§ 12900-12999 – protects individuals from housing and employment discrimination and harassment on the basis of protected characteristics. Includes additional protections.

Unruh Civil Rights Act (businesses)

Civil Code § 51 – protects individuals from discrimination and harassment by business establishments (e.g., stores, restaurants, housing accommodations) on the basis of protected characteristics. The Unruh Act incorporates the Americans with Disabilities Act at Civil Code § 51(f).

Housing-related civil rights laws enforced by CRD (2 of 2)

Disabled Person's Act

Civil Code § 54, et seq. – gives individuals with disabilities or medical conditions the same right as the general public to the full and free use of all public places (e.g., streets, highways, sidewalks, public buildings, hospitals, etc.).

Programs funded by the state

Government Code § 11135, et seq. – protects individuals from discrimination and harassment on the basis of a protected characteristic by programs funded by the state.

Housing protected characteristics

- Race
- Color
- Ancestry
- National Origin
- Religion
- Sex
- Gender
- Sexual Orientation
- Gender Identity
- Gender Expression
- Source of Income (including Section 8 vouchers)
- Marital Status
- Familial Status (children under the age of 18, pregnant, or becoming a legal custodian)
- Disability (mental and/or physical)
- Medical Condition
- Military or Veteran Status
- Genetic Information
- Primary Language
- Immigration Status
- Citizenship
- Age

Can be actual, perceived, or associated with a person with protected characteristics



Rights that flow from protected characteristics

FEHA provides additional protections for people and circumstances related to protected characteristics including:

- The right to housing free from harassment
- The right to operate a licensed childcare in a provider's home
- Specific protections for people with criminal histories looking for housing

Who must comply with fair housing laws?

- Landlords
- Housing authorities
- Cities, counties, and other local governments
- Homeowners' associations (HOAs)
- Real estate agents
- Home sellers
- Builders
- Mortgage lenders
- Housing appraisers
- Providers of housing-related services (water, sewer, electricity)
- And many more



Source of income (SOI) discrimination

- Housing providers cannot discriminate based on how an applicant or tenant will pay their rent, so long as it is lawful and verifiable. This includes funds:
 - Paid directly to a tenant (including public benefits like SSI, SSDI, etc.)
 - Paid to a housing owner or landlord on behalf of a tenant such as:
 - Housing Choice Vouchers (often called Section 8)
 - Any other rental assistance

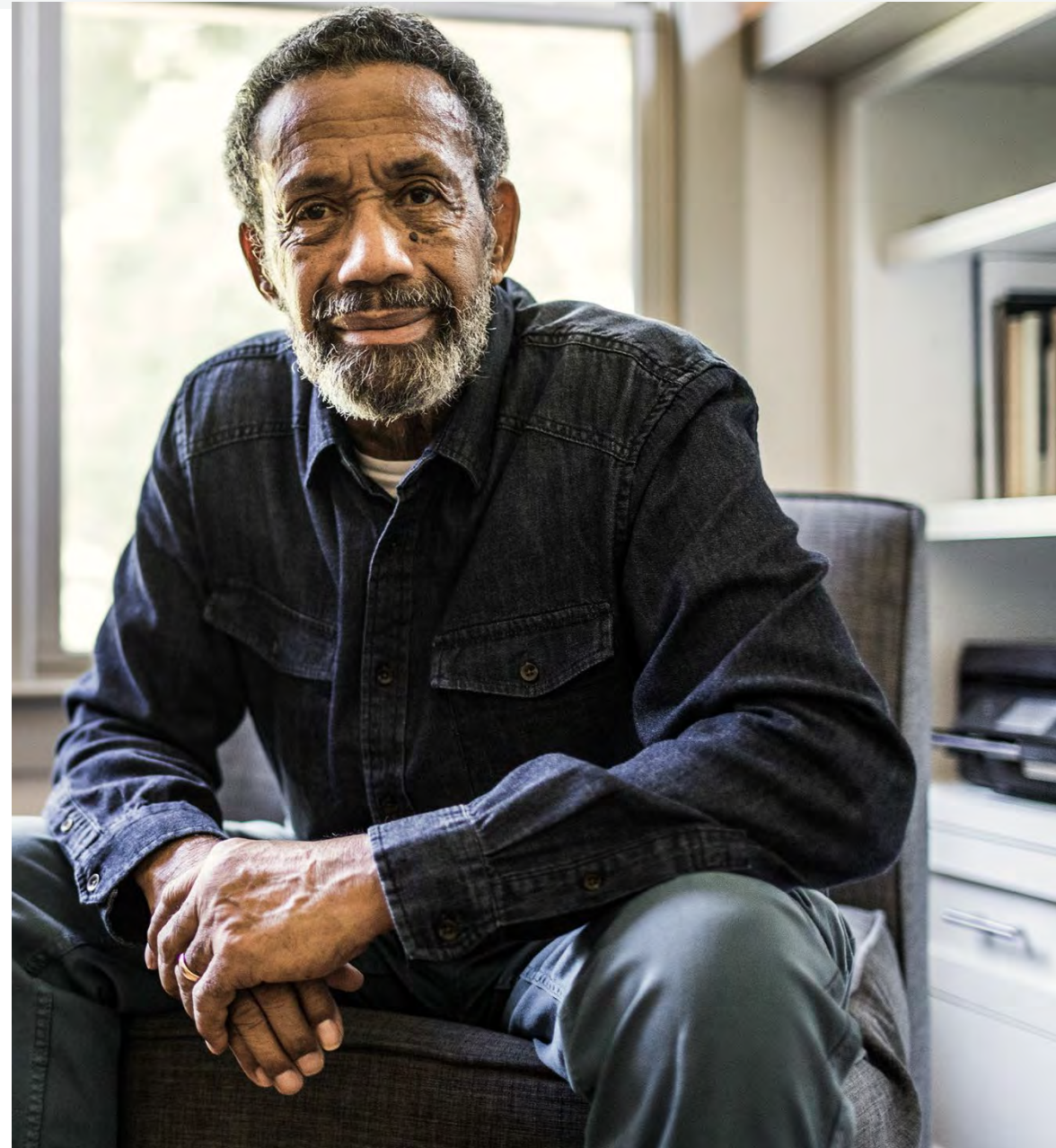


Hypo: Bashir (1 of 2)

Bashir has a Section 8 voucher and applies to rent a unit from Ariel. Ariel looks over Bashir's application and says he can have the apartment. The next day, Bashir gives Ariel paperwork from the housing authority to fill out. Ariel gets annoyed and tells Bashir she has no problem with him using a Section 8 voucher, but she is not filling out the paperwork.

Did Ariel violate fair housing law?

- A. Yes
- B. No



Hypo: Bashir (2 of 2)

Did Ariel violate fair housing law?

A. Yes

A. No

Examples of SOI discrimination

- Advertisements that say, “No Section 8,” “No Public Assistance,” “No Housing Choice,” etc.
- Evicting a tenant because they received a voucher and plan to use it to pay rent going forward
- Imposing different insurance requirements for properties with tenants that use housing assistance
- Refusing to complete necessary paperwork or not providing necessary documentation
- Refusing to renew a Section 8 lease



CRD fair housing testing

CRD is conducting fair housing testing to identify unlawful discrimination:

- Since 2020, CRD's contractor, the Housing Rights Center, has conducted hundreds of source-of-income tests in the Los Angeles area and about half have shown evidence of discrimination
- 25% showed evidence of race discrimination



National origin, ethnicity, and immigration status discrimination (1 of 2)

- Applicants and tenants are protected from housing discrimination based on their national origin or ethnicity.
 - National origin: The place where a person was born.
 - Ethnicity: The culture of people, sometimes in a geographic area, including their language, culture, and customs.
- If the housing provider is a business, tenants and applicants are also protected against housing discrimination related to citizenship, immigration status, or primary language.
- Examples:
 - Landlord threatening to call immigration authorities on an undocumented tenant if they don't agree to move out Charging a higher deposit to someone who is not originally from the U.S.
 - Refusing to provide an application to purchase a condo because the applicant is not a U.S. citizen

National origin, ethnicity, and immigration status discrimination (2 of 2)

- 2020 settlement: The complainants, a married couple and their two children, filed a complaint with CRD alleging that their landlord threatened to report them to federal immigration authorities if they did not move out within a matter of days.
- The landlord also threatened to file a bar complaint against their attorney for representing the family who they perceived to be undocumented
- Settlement for \$250,000 was reached and required training and anti-discrimination policies

Hypo: Rabia (1 of 2)

Rabia is a single mom who lives in an apartment complex with her two kids ages four and six. The apartment complex has a pool. Rabia has been informed by management that children are only permitted to use the pool Monday to Friday from 9 am to 3 pm, a time that her kids are usually at school and daycare. She asks for permission to allow her kids to use the pool on the weekend and she is told that the rules can't be changed just to accommodate her kids. Is the complex violating fair housing law?

- A. Yes
- B. No



Hypo: Rabia (2 of 2)

Is the complex violating fair housing law?

A. Yes

A. No

Familial status discrimination (1 of 2)

- A housing provider cannot exclude families with children
 - Senior housing is the only exception
- Statements that discourage families from moving in, such as: “This building isn’t very kid-friendly,” or “There’s no place to play” are prohibited
- Examples of familial status discrimination:
 - Single mom renting one-bedroom with their kids
 - Requiring a tenant move to a larger unit because of a pregnancy or decision to adopt or secure legal custody of a child

Familial status discrimination (2 of 2)

- Overly restrictive rules or statements that discourage families from enjoying all parts of the premises, such as:
 - “Children in common areas must be supervised at all times”
 - “No bikes or skateboarding in common areas”
 - “Adults only in laundry room”
 - Recent settlement: prohibited outdoor play and required supervision for kids under 14.
 - \$3 million settlement and corrective measures



Disability discrimination

- Housing discrimination based on a person's disability is prohibited. This includes:
 - Refusing to rent to someone because they have a mental health disability
 - Charging a higher deposit to someone because they are in a wheelchair
 - Refusing to rent to someone because they receive disability benefits (also SOI discrimination)
 - Refusing to grant a reasonable accommodation or modification



Hypo: Luis (1 of 2)

Luis rents an apartment with his partner and two kids. Luis is disabled and his main source of income is his disability benefits, which are deposited into his account on the fifth of each month. However, his complex has a rule that any rent payment made after the third of each month will be charged a late fee. As a result, Luis has accumulated over \$400 in late fees, putting his housing in jeopardy.

Luis requests a reasonable accommodation to be permitted to pay his rent on the sixth of each month. His landlord refuses, stating that everyone will start paying rent late if he starts letting Luis do it. Did the landlord violate fair housing law?

- A. Yes
- B. No



Hypo: Luis (2 of 2)

Did the landlord violate fair housing law?

A. Yes

A. No

Reasonable accommodations (1 of 2)

- Reasonable accommodation: change in rules, policies, practices, or services, when such change is necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling
- Examples of reasonable accommodations:
 - Emotional support animals
 - More time to meet deadlines or comply with notices
 - More time to move out
 - Live-in aides
 - Closer parking space



Reasonable accommodations (2 of 2)

Reasonable accommodations - Examples continued:

- Economic accommodations: co-signers, adjusted date rent is due, waiver of fee for breaking lease, payment plans
- ANYTHING ELSE, so long as the person requesting the accommodation can show that it is necessary because of a disability



Reasonable modifications

- Reasonable modification: a physical change or alteration to a tenant’s unit or the common areas associated with the unit to afford the individual with a disability an equal opportunity to use and enjoy their home.
- Examples of reasonable modifications:
 - Installing a grab bar in a bathroom
 - Widening doorways to make rooms more accessible for persons in wheelchairs
 - Lowering kitchen cabinets to a height suitable for persons in wheelchairs
 - Adding a ramp to make a primary entrance so it is accessible for persons in wheelchairs
 - Installing “blinking” doorbells or emergency alarms to provide alerts to someone who is deaf, or brailled signage for someone who is blind.

Hypo: James (1 of 2)

James applies to live in an apartment and, after receiving his application, the housing provider runs a criminal history check. The criminal history check states that James has been arrested several times for assault. The housing provider denies his application.

Was this a lawful denial?

- A. Yes
- B. No



Hypo : James (2 of 2)

A. Yes

B. No

Housing providers are prohibited from considering some types of criminal history information, including arrests.

Fair housing protections for people with a criminal history

Generally, a housing provider may check the criminal history of an applicant, but cannot consider some types of criminal history including:

- Arrests that did not lead to a conviction
- Records that are sealed or expunged
- Matters processed in the juvenile justice system
- Housing providers are also prohibited from having “blanket bans” on all people with a criminal history specific convictions.
- Denial based on a conviction must be directly-related to someone’s ability to be a good tenant and not be a threat to the health and safety of others and the property.
 - For example, if an applicant has a recent conviction for residential arson this would likely be a directly-related denial.

Harassment in housing

- California's fair housing laws prohibit housing providers (including their employees or agents) and other tenants from harassing a tenant, resident, home seeker, applicant, homeowner, and others, because of a protected characteristic.
 - For example, threatening to evict someone unless they go on a date with you
- Housing providers have a duty to correct and end discriminatory housing practices, including harassment, committed not only by the housing provider but also by employees and other third parties such as: other tenants, other residents, or contractors hired by the housing provider).

Fair Housing/Employment Discrimination 101 series

**When: Every third Wednesday from
11 am to 12 pm**



Thank you!

For more information or to file a complaint please contact CRD:

Website: www.calcivilrights.ca.gov

Phone: Communication Center: 800-884-1684 (voice)

800-700-2320 (TTY) or

California's Relay Service at 711

Email: contact.center@calcivilrights.ca.gov





Questions?

