



San Antonio by Ken Kinder



CSA
San Diego County

FAIR HOUSING :IT'S NOT AN OPTION IT'S THE LAW.

PROTECTED CLASS: DISABILITY

1




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San Diego County

WHAT IS THE FAIR HOUSING ACT?

FAIR HOUSING ACT

THE FAIR HOUSING ACT PROTECTS PEOPLE FROM DISCRIMINATION WHEN THEY ARE RENTING OR BUYING A HOME, GETTING MORTGAGE , SEEKING HOUSING ASSISTANCE OR ENGAGING IN OTHER HOUSING RELATED ACTIVITIES.

2

WHO IS PROTECTED?

The Fair Housing Act prohibits discrimination in housing because of:

- Disability
- Race
- Color
- National Origin
- Sex
- Familial Status
- Religion



3

3

LAWS THAT PROTECT AN INDIVIDUAL WITH A DISABILITY

➤ Fair Housing Act-It shall be unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling unit, including public and common use areas. It shall be unlawful for any person to refuse to permit, at the expense of a handicapped person, reasonable modifications of existing premises, occupied or to be occupied by a handicapped person, if the proposed modifications may be necessary to afford the handicapped person full enjoyment of the premises of a dwelling.

➤ Rehabilitation Act of 1973 section 504

no qualified individual with disabilities should be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Ex[Application process, Tenancy, Physical accessibility of facilities, Employment policies and practices]



4

4

LAWS THAT PROTECT AN INDIVIDUAL WITH A DISABILITY



THE AMERICANS WITH DISABILITY ACT

civil rights law for persons with disabilities.

- Title II of the ADA prohibits discrimination based on a disability in all programs, services, and activities provided or made available by public entities.
- This includes housing when the housing is provided or made available by a public entity.



ADA

Title III of the ADA prohibits private entities that own, lease, and operate places of public accommodation from discriminating on the basis of disability and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with established accessibility standards.

Ex[Public places, social service establishments, shelters, rental offices, apartments]



5

5

WHAT COUNTS AS A DISABILITY?

- An individual with a physical or mental impairment that substantially limits one or more major life activities.
- A record of such impairment
- Being regarded as having such an impairment
- Drug addiction (other than addiction caused by current illegal use of a controlled substance) and alcoholism (other than addiction caused by current use)



6

6

WHAT IS CONSIDERED A MAJOR LIFE ACTIVITY?

“major life activity” means those activities that are of central importance to daily life, such as:

- seeing,
- hearing,
- walking,
- breathing,
- performing manual tasks,
- caring for one’s self,
- learning,
- and speaking



7

7

WHAT ARE SOME EXAMPLES OF A DISABILITY?

PHYSICAL



Visual impairments,
speech impairments,
hearing impairments,
Spinal bifida,
muscular dystrophy,

cancer,
heart disease,
diabetes,
HIV,
Depression,
Bi-polar disorder,
multiple sclerosis,
pregnancy




MEDICAL CONDITIONS AND MENTAL ILLNESSES




8

8



Reasonable Modifications

- Must be allowed
- Allows necessary physical changes to the property (covering private living space and/or common areas) such as widening doorways
- Necessary to afford the disabled person the full use and enjoyment of the property
- Must be reasonable
- Can't be evicted for making request
- Generally modifications are at the resident's expense. Residents can be required to place unit back to its original condition if the modification would be less desirable to someone who doesn't require modification. Bathroom grab bars and widened doors would not apply to this category
- FHA allows a separate security deposit to restore property back, however it can't exceed cost of restoration and it must accrue in to benefit of resident





Reasonable Accommodations

- Changes to rules policies or procedures that may afford disabled person the full use and enjoyment of the property
- Exemptions from resident rules, policies, practices or services (covering private living space and/or common areas)
- Not reasonable if it imposes an undue financial or administrative burden on the housing provide
- Example is allowing service animal or moving parking space closer to unit
- Can't be evicted for making request
- Generally, under the Fair Housing Act, the housing provider is responsible for the costs associated with a reasonable accommodation unless it is an undue financial and administrative burden, while the tenant or someone acting on the tenant's behalf, is responsible for costs associated with a reasonable modification





Verification of Disabilities

- ▶ The provider can ask the tenant for verification of the disability-related need for accommodation or modification.
- ▶ The housing provider is only entitled to verification that the tenant has a disability, not identification of the disability or diagnosis, and that there is an identifiable relationship between the requested accommodation and the individual's disability.



11

Examples of Reasonable Accommodations

- Allowing a resident to reside in a smoke-free environment
- Extending a resident's move-out date
- Giving a resident the opportunity to correct minor lease violations
- Providing a tenant an assigned parking space closer to their unit
- Allowing a tenant to end a lease without incurring a penalty for early termination
- Making certain repairs in a unit to accommodate a resident
- Allowing a tenant to have a co-signer
- Changing the date that rent is due
- Allowing a tenant to move to a first floor unit and transfer the deposit to the new unit



12

DISCRIMINATION IN HOUSING BASED ON DISABILITY



CAN INCLUDE BUT ARE NOT LIMITED TO:

Refusal to rent due to stigma or liability claims.

“ I do not rent to people with mental illness because they are unstable and not responsible”



CAN INCLUDE BUT ARE NOT LIMITED TO:

Refusal to allow for an accommodation or modification to allow equal access.

“ We have a strict no pets policy and I cannot allow you to have a service animal because all other tenants will want an animal”



CAN INCLUDE BUT ARE NOT LIMITED TO:

Evictions due to requests for accommodations or modifications.

“ You will have to move because I cannot allow you to modify your unit to have an accessible bathroom and kitchen”



CAN INCLUDE BUT ARE NOT LIMITED TO:

Building properties that are not accessible.

Example: A 30-unit building with multiple floors and an elevator built in 2019 are required to comply with the 7 design and construction requirements that allow accessibility for persons with a disability.



13

13

FAMILIAL STATUS



When it comes to housing, little things shouldn't make a difference.

If you have children or are pregnant and a landlord refuses to rent to you, requires a higher security deposit, limits the use of facilities, or says you can only live in certain areas of a housing complex... that could be discrimination. And housing discrimination because of familial status is against the law.

If you believe you may be a victim of housing discrimination, contact HUD or your local Fair Housing Center.

Visit www.hud.gov/fairhousing or call the HUD Hotline
1-800-669-9777 (voice) 1-800-927-9275 (TTY)

Your Choice. Your Right. Your Home.



Equal Housing Opportunity logo is the U.S. Department of Housing and Urban Development's symbol of the Fair Housing Act. HUD is an Equal Housing Opportunity provider. For more information on housing discrimination, visit www.hud.gov/fairhousing.



14

Familial Status

- Defined as having one or more individuals under 18 years of age who reside with a parent or with another person with care and legal custody of that individual (including foster parents) or with a designee of that parent or other person with legal custody.
- includes a pregnant woman or a person who is in the process of adopting or otherwise securing legal custody of any individual under 18 years of age.



15

Families and Housing

A housing provider such as a landlord cannot refuse to rent to an applicant because there are children in the family.

The requirements for rental and the terms and conditions must be the same for families with children as for any other applicant or tenant.

The one exception to this rule involves housing that has been specifically designed for senior citizens (persons 55 and older in some cases or 62 and older in others).

To qualify as "senior housing," a housing accommodation must meet specific legally defined requirements, which may include a minimum number of units, age-based residency limits and design features.



16

Terms and Conditions

- Adult only pool
- Adult living
- More restrictive rental criteria
- Pay rent per person or pay extra deposit because of presumed extra wear and tear.



17

Rules

Requiring that children:

- Be accompanied by a parent at all times
- Have a curfew
- Stay indoors or only allowed in certain designated areas of a complex.
- Not play outdoors or require only activities that limit all noise.

Overly restrictive or unreasonable Policies/Rules that target only children

- No children under 3 are allowed in the pool unless potty trained.
- Kids cannot dispose of trash or check mail
- Children may only enter the pool if their parent is present.



18

Occupancy standards

- Age and gender of children restrictions
- Occupancy standards are 1 person per room.
- Restrictions regarding the make-up of the household.
- Restrictions regarding the number of children allowed.



19

Liability Claims

- We do not rent to children because there is no fence around the pool.
- Our complex is not gated and near a busy road so we cannot allow children.



20

Families with children must live on the first floor

Families with children must live in a certain part of the complex due to noise complaints.

Steering



21

Harassment/Threats



Confiscating Toys, bikes, or items from a child and holding as punishment.



Yell at children and reprimanding child, rather than discuss with the adult responsible.



Threaten to call Child Protection Services for unjustified reasons.



Serving notices to terminate or charging fines for alleged violation of unreasonable/discriminatory rules.



22

OPTIONS TO RESOLVE A DISCRIMINATION COMPLAINT



MEDIATION

An impartial third party assists disputing parties in resolving conflict through the use of specialized communication and negotiation techniques.



FILING AN ADMINISTRATIVE COMPLAINT

U.S. Department of Housing and Urban Development (HUD)

CA State Department of Fair Employment and Housing (DFEH)

1-year statute



HIRING AN ATTORNEY AND FILING A LAWSUIT

Find an attorney to file in State or Federal Court to resolve dispute.

2-year statute



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23

23

TYPES OF RESOLUTIONS CAN INCLUDE, BUT ARE NOT LIMITED TO

Filing in State or Federal Court through a private attorney.

- Monetary/Compensatory Damages
- Injunctive relief, ordered not to discriminate.
- Compensation for actual damages, including out-of-pocket expenses and emotional distress damages.
- Attorney's fees and court cost



Note: Mediation/Conciliation are also an option throughout the process. If an agreement is reached, the terms of the settlement will vary, and can include some or many of the relief options indicated above.

24

24

Filing a complaint

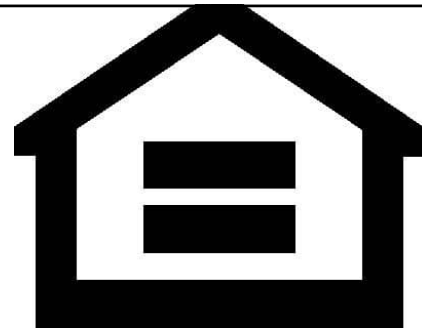
- If you feel like you have experienced any form of discrimination, please contact CSA San Diego County Fair Housing to file a complaint. <http://c4sa.org/>



327 Van Houten Ave
 El Cajon, CA 92020
 Phone: (619)-444-5700
 TTY 1-800-855-7100
 Email: info@c4sa.org
 website: <https://c4sa.org>

@CSASDCounty
 @CSASANDIEGO
<https://www.youtube.com/channel/UCIVN4xMNF8f2ZeOcyYFWNzg>
 @CSASANDIEGO

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Additional Resources

- Accessibility Requirements for Buildings
- Assistance Animals
- Reasonable Accommodations

Contact : CSA San Diego County Fair Housing for more information.

25

25

Emergency Rental Protections during Covid-19



The current state of affairs for tenants

CSA SAN DIEGO COUNTY

Aug. 25, 2021




26

Emergency Rental Protections Extended

- State Level- SB 91
 - **September 30, 2021**
- Local Measures
 - **Rental Assistance Programming**
- Federal Level- CDC
 - **Transmission dependent**




27

State Protections through September 30, 2021

Estimated Timeline for 2021

- Feb. 28- Landlord to provide Tenant with notice of what is owed.
- March- Tenants can apply for Emergency Rental Assistance (priority or low income)
 - Option for Landlord to participate
- September- Pay off at least 25% of rent (monthly or lump sum)
- October 1- Landlords can begin pursuing civil debt through court and full rent payments begin



28

State Protections through September 30, 2021

- SB91- passed end of January 2021
 - Various extensions
- Protections apply to tenants unable to pay rent **DUE** to Covid-19 financial distress, as declared under penalty of perjury.
- Financial distress: reduced income or increased expenses due to Covid-19 that makes you unable to meet your monthly rent/lease obligations.



29

State Protections through September 30, 2021

- Landlord is obligated to provide form declaration in the same language your lease was negotiated in.
- Late fee cannot be assessed if declaration is submitted.
- Notice to Pay or Quit allows 15 day response time for declaration rather than 3 days



30

State Protections through September 30, 2021

- Extension of Protections of 'No Cause Evictions until October 1, 2021
- Amendment excludes evictions proceedings for any reason other than unrelated covid-19 nonpayment of rent and health and safety issues.
- Penalties for constructive eviction by landlords
- Public disclosure of eviction involving nonpayment limited



31

Emergency Rental Assistance Program

- Federal Funds are available through the Emergency Rental Assistance Program (ERAP) to assist in paying owed rent on or after April 1, 2020.
- The program will pay up to 100% of past due rent for eligible households subject to program terms and conditions and maximum assistance limits.
- Lower income tenants will be prioritized.
- Notice of rent owed must be given to tenant from landlord WITH information about rental assistance programming



32

Emergency Rental Assistance Program

- Rent is NOT forgiven- the obligation still exists
- Housingiskey.com



33

Applying for Emergency Rental Assistance Program

- Chula Vista: [City of Chula Vista COVID-19 Emergency Rental Assistance Program \(ERAP\) \(chulavistaerap.com\)](http://chulavistaerap.com)
- San Diego: [City of San Diego COVID-19 Housing Stability Assistance Program \(sdhc.org\)](http://sdhc.org)
- San Diego County: <http://www.erapsandiego.org/>



34

CSA Factsheet on Eviction Protections

