

Practice Fair Housing

Spring 2022

Equal access to housing is a right protected by both federal and state law. The City of San Diego strives to increase housing opportunities and equality for its citizens. Our Practice Fair Housing program offers free services to the community to promote equal housing opportunities. Our program goal emphasizes solutions through education and enforcement to ensure our shared values of community, opportunity and equality.

EMOTIONAL SUPPORT ANIMALS AND REASONABLE ACCOMMODATIONS

Understanding Emotional Support Animal Protections

The California Fair Employment and Housing Act (Cal. Gov. Code §12900, et seq.) prohibits discrimination based on reasonable accommodation requests for assistance animals, however, there has been confusion regarding what constitutes an “assistance animal.” According to section 1205(d)(2) an assistance animal is not a pet, but includes all service and support animals — meaning animals that perform tasks or offer emotional or cognitive support for individuals with disabilities.

Under section 12185, individuals with disabilities who need assistance animals may request a reasonable accommodation. Individuals who request reasonable accommodations do not have to pay additional rent or fees for their assistance animal and are not subject to breed and height requirements. However, an individual may be required to cover costs of repair for any damage that surpasses normal wear and tear caused by the animal.

Additionally, a person may have more than one assistance animal, but each animal must meet the requirements. However, housing providers may consider if the cumulative impact of multiple animals in the same home constitutes an undue burden or fundamental alteration.

Restrictions on Assistance Animals

Under section 12185(c)(2), an assistance animal certification from an online service that does not include an individualized assessment from a medical professional is not reliable. In order for the reasonable accommodation to be valid, there must be an individualized assessment that demonstrates a disability, describes the needed accommodation (including species of animal), and describes the relationship between the individual’s disability and how the reasonable accommodation is necessary for equal opportunity to use and enjoy a dwelling.



Know Your Rights

www.hud.gov/fairhousing

Fair Housing in the News

Under section 12185(d)(6), reasonable conditions may be imposed on the use of assistance animals to ensure the animal is under control of the individual with a disability — such as restrictions on activities that may constitute a nuisance (i.e., waste disposal). However, if these restrictions interfere with the ability of the animal to perform its duties, the regulation may not be enforced.

Example

A leash requirement may interfere with the ability of a service or guide dog to lead their disabled owner. Similarly, a “no noise” requirement may interfere with a dog’s job of barking to alert an individual of a danger. However, constant barking when the individual is not home may constitute a nuisance. In these instances, any conditions or regulations imposed on the disabled individual may not be more restrictive than those imposed on other animals at the property.

When a Service Animal Can be Denied

Under section 12179(a)(6), a housing provider may deny a reasonable accommodation if the assistance animal is a direct threat to public health, safety, or others or would cause substantial physical damage to the property of others under section 12185(d)(9). In order to determine if accommodations pose a direct threat to health or safety, or would cause substantial physical damage to property of others, you must consider: (1) the nature, duration and security of the risk; (2) probability that a direct threat will actually occur; (3) whether any reasonable accommodations will eliminate the direct threat or substantial physical damage to the property of others. This direct threat assessment must be proven by direct, credible (and not speculative) evidence of harm or damage caused by the animal in order to deny the reasonable accommodation.

FAIR HOUSING IN ACTION

Source of Income Protections

On Jan. 1, 2020, SB 329 (Mitchell) went into effect, making it unlawful for housing providers to turn away tenants who hold government housing assistance vouchers, including programs such as Section 8/ Housing Choice Vouchers. Government housing subsidies are now considered a protected “source of income” under California’s fair housing laws. Advertisements for the sale or rental of housing accommodations that indicate a preference or limitation based on source of income are unlawful.

“The point of the law is to ensure all housing applicants

with Section 8 and other housing assistance vouchers receive a fair vetting from housing providers,” said DFEH Director Kevin Kish. “Advertisements that exclude voucher holders from applying for housing are unlawful and must be taken down.”

Additionally, DFEH published a Frequently Asked Questions document for housing providers on how to comply with the source of income protections.

Located at:

dfeh.ca.gov/wp-content/uploads/sites/32/2020/02/SourceofIncomeFAQ_ENG.pdf

The DFEH also has tips for tenants:

dfeh.ca.gov/wp-content/uploads/sites/32/2020/02/SourceofIncomeFactSheet_ENG.pdf.



Updated Federal Fair Housing Guidance Now Includes LGBTQ+

On Jan. 20, 2021, President Joe Biden issued Executive Order 13988 on Preventing and Combating Discrimination on the basis of Gender Identity or Sexual Orientation. The U.S. Department of Housing and Urban Development (HUD) has issued guidance about housing discrimination based on sexual orientation and gender identity. As a result, the same federal workplace protections now apply to housing. To learn more about the legislation, please visit: <https://bit.ly/3q7B1en>.

ADDITIONAL INFORMATION

The Department of Fair Employment and Housing has introduced regulations, some interpreting previously existing law, that became effective Jan. 1, 2021. A new protected status was added, and a few were redefined. Please visit: dfeh.ca.gov/LegalRecords to learn more about the changes.

Fair Housing in the News


Practice Fair Housing

The 2021-2025 San Diego Regional Analysis of Impediments to Fair Housing Choice (AI) identified constraints to reducing discrimination based on: race, color, national origin, religion, sex, familial status (presence of children in the home), physical or mental disability, sexual orientation, source of income, marital status, age, ancestry, medical condition, genetic information, gender identity, gender expression, or any other arbitrary factor. The City of San Diego continued to engage with Legal Aid Society of San Diego, Inc., to provide outreach, education, investigation, and enforcement assistance related to Fair Housing in the City of San Diego. Legal Aid has a working relationship with several organizations that serve protected groups and provides these organizations with regularly scheduled trainings on a variety of topics, including fair housing. An outcome of these trainings has generated an increase in calls to the Fair Housing Hotline. Due to the pandemic, trainings were moved online, and paired testing was limited. Paired testing was also limited due to a reduced number of rentals on the market. Highlights of these actions can be found in the "At-a-Glance" section below.

Fiscal Year 2021 At a Glance Campaign Accomplishments July 1, 2020 - June 30, 2021

- 222 Multilingual Informational Brochures Distributed
- 1,601 Fair Housing Inquiries Received
- 148 Fair Housing Discrimination Investigations Implemented
- 199 Fair Housing Investigations Resolved
- 36 *Random Fair Housing Tests Conducted
- 26 Workshops and Webinars Conducted
- 246 Persons Educated Regarding Fair Housing Rights

* Funded by CDBG and Fair Housing Initiative Program grant



WHAT WILL HE SEE
WHEN HE OPENS
HIS EYES?
DISCRIMINATION
OR A NEW HOME?



Save the Dates



GET THE LATEST updates on Fair Housing events, workshops and activities at www.sandiego.gov/fairhousing

EVENTS CALENDAR



San Diego Regional Alliance Fair Housing Annual Webinar



When: Wednesday & Thursday, April 20 - 21, 2022
9 a.m. to 1 p.m. each day - *This is a paid event*

The SD Regional Alliance for Fair Housing (SDRAFFH) and the SD Housing Federation are proud to present the 7th Annual Fair Housing conference. In celebration of National Fair Housing Month in April, this Conference will explore critical fair housing issues with the theme: Unraveling Segregation: A New Era in Fair Housing. We are pleased to have **Gustavo Velasquez, Director of the CA Dept. of Housing & Community Development** to deliver this year's keynote address.

To register visit: <https://interland3.donorperfect.net/weblink/weblink.aspx?id=2&name=E357817>



TUESDAY APRIL 26, 2022 | 2PM-4PM

FAIR HOUSING TRAINING FOR HOUSING PROVIDERS

Register: bit.ly/AprilHousingTraining

This training is free. Learn more about these topics:
Fair Housing - The Basics | Disability-Related Protections | Source of Income Protections | Covid-19 Trends | Harassment and Domestic Violence Protections, and more!

SANDIEGO.GOV/FAIRHOUSING



This training is presented by the Fair Housing Center of the Legal Aid Society of San Diego, Inc. It is funded in whole or in part with Community Development Block Grant (CDBG) program funds provided by the U.S. Department of Housing and Urban Development (HUD) through the City of San Diego.

Resources for Rental Relief

City of San Diego COVID-19 Housing Stability Assistance Program: covidassistance.sdhc.org

CA COVID-19 Rental Relief - Housing is Key

Need help with unpaid rent?

housing.ca.gov/covid_rr/index.html

Fair Housing trainings are held regularly. The schedule trainings are located here: sandiego.gov/cdbg/eventscalendar. **Hope you can join us!!!**

The Resource Page

WHAT IS FAIR HOUSING?

Fair Housing is the ability of persons of similar income levels who are seeking housing in similar housing markets and who have like qualifications to have the same availability of housing choices regardless of race, color, national origin, religion, sex, disability (physical/mental) or familial status (presence of children) -- as provided under the federal Fair Housing Act.

California laws have the same protections as federal law and further protect against housing discrimination on the basis of sexual orientation, source of income including rental assistance programs, marital status, age, ancestry, medical condition, genetic information, gender identity, gender expression, arbitrary status includes citizenship, primary language, and immigration status, and military/veteran status. Race in California includes hair texture and style.



COMM22 in Logan Heights combines affordable family and senior rental housing, with 13 units designated for underserved transition-age youth with mental illness.

FILE A DISCRIMINATION COMPLAINT

If you believe you have been denied housing or the opportunity to apply for housing in the City because of a characteristic protected by federal or state law, contact the City's **Fair Housing Hotline** at **1-844-449-3500**.

- Contact the hotline within one year of the incident.
- Speak to a housing counselor and provide facts about the incident.
- If merited, your incident may be referred to a legal representative for further investigation.
- An attempt will be made to assist both parties in resolving the issue.
- If the issue remains unresolved and there is evidence that a violation has occurred, the complaint may be litigated in court.

LOCAL RESOURCES

The City has engaged the services of Legal Aid Society of San Diego Inc. to provide community outreach and legal services.



Legal Aid Society of San Diego Inc.

110 S. Euclid Ave.
San Diego, CA 92114
General inquiries: 1-877-534-2524
Fair Housing Center and Hotline:
844-449-3500
www.lassd.org

MULTILINGUAL BROCHURES

Visit www.sandiego.gov/fairhousing to view fair housing brochures in Arabic, Chinese, English, Spanish, Tagalog and Vietnamese.

MORE FAIR HOUSING RESOURCES

U.S. Department of Housing and Urban Development

Fair Housing Division

600 Harrison St., Third floor
San Francisco, CA 94107-1300
1-800-347-3739
www.hud.gov/fairhousing



California State Department of Fair Employment and Housing (DFEH)

611 W. Sixth St., Room 150
Los Angeles, CA 90017-3101
1-800-233-3212
www.dfeh.ca.gov

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