



# Practice Fair Housing



The City of  
**SAN DIEGO**

Spring 2016 | Vol. 6

**E**qual 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 goal for the program is to emphasize solutions through education and enforcement – so that our shared values of community, opportunity and equality can be realized.

**FAIR HOUSING HOTLINE NUMBER  
1-844-449-3500**

## What is Fair Housing?

Fair Housing means the ability of persons of similar income levels who are seeking housing in similar housing markets and who have like qualifications, will have available to them the same range of housing choices without regard to 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, marital status, age, ancestry, medical condition, genetic information, gender identity, gender expression or arbitrary status.

## The Fair Housing Act is 48 years Old - Celebrate with Us!

**A**pril 2016 marks the 48th anniversary of the passage of the federal Fair Housing Act of 1968. As cities across the nation commemorate this momentous time in U.S. history, the City of San Diego will reinforce its commitment to affirmatively further fair housing by sponsoring a number of free activities and workshops during Fair Housing Month in the City of San Diego. In addition, the City of San Diego declared April 2016 to be Fair Housing Month at its City Council meeting on April 5, 2016 at 10:00 a.m. Visit <http://bit.ly/1WBfZ5o> to see this special order of business (Item 30).

### Fair Housing - The Battle Goes on

Senator Edward M. Kennedy

- *Senator Edward M. Kennedy (1932-2009) provided the following remarks on the 30th Anniversary of the Fair Housing Act. Kennedy gave his maiden speech in the Senate on the Civil Rights Act of 1964 and was a leader in the effort to strengthen the Nation's civil rights laws ever since. He was the chief sponsor of the Fair Housing Act amendments of 1988.*



By passing the Fair Housing Act of 1968, Congress took a major step toward realizing the ideas of equal opportunity and equal justice that are at the heart of our American democracy.

The decade of the 1960s saw extraordinary progress in civil rights and in the battle against discrimination in all its forms. The Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968 were giant achievements by the Congresses of those years. In many respects, the Fair Housing

Act was the most difficult of the three achievements because housing was such a tough nut to crack. For many people, it seemed a little "too close to home."

Housing discrimination was a serious injustice on its own terms. However, it also led to other evils. Local public schools were typically neighborhood schools. Segregated neighborhoods led to segregated schools that were often separate and unequal.

President Lyndon B. Johnson asked Congress in 1966 and again in 1967 to pass a fair housing bill, but Southern Senators who opposed fair housing blocked action with a filibuster. Those of us who supported the fair housing bill did not have enough votes to prevail.

As the 1968 session of Congress began, the prospects for action seemed unlikely. Fortunately, one person – Clarence M. Mitchell, Jr. – had the vision to see beyond past failures, and the persistence to push for a fair housing bill and make it happen. Mitchell was the Washington director of the National Association for the Advancement of Colored Peoples and a mainstay of the Leadership Conference on Civil Rights. He convinced Democratic Senator Walter Mondale of Minnesota and Republican Senator Edward Brooke of Massachusetts to offer a bipartisan fair housing amendment to a pending bill that protected civil rights workers.

To succeed against the anti-civil rights filibuster, we needed a strong coalition of northern Democrats and Republicans. In February 1968, two attempts to end the filibuster failed, but the number of Senators supporting the bill was growing. At the end of February, Senator Everett Dirksen of Illinois, the Republican leader, agreed to a compromise on fair housing that was almost as strong as the Mondale-Brooke proposal.

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The critical votes in the Senate and the House took place in the midst of historic events in the country. In early March, the Kerner Commission released its report on civil disorders, including its stark warning that we were “moving toward two societies, one Black, one White—separate and unequal.” Three days later, on March 4, 1968, the Senate succeeded in breaking the filibuster against fair housing. It was an historic moment. In 50 years, the Senate had tried to break a filibuster 41 times, and the effort had succeeded only 7 times. This was the eighth time. Three of those eight successful votes involved major civil rights bills. On April 4, 1968, Rev. Martin Luther King, Jr., was tragically assassinated in Memphis, Tennessee, and riots broke out in cities across the country, including Washington. On April 10, while the city was still in crisis, the House approved the Senate version of the fair housing bill and sent it to the White House, where President Johnson signed it into law on April 11.

In the years that followed, it became apparent that the 1968 Act was not strong enough. It authorized the Federal Government to mediate discrimination charges but not to hold hearings before administrative law judges or sue in court. Beginning in 1978, bills were introduced in Congress almost every year to strengthen the enforcement provisions of the 1968 Act by giving both the Federal Government and victims of discrimination the right to enforce the Act in court. In 1980, Congress came close to enacting these strengthening measures. The House approved a strong bill, but it was defeated by yet another filibuster in a lame-duck session after President Ronald Reagan’s election. Sadly, 8 more years would pass before Congress finally approved this needed legislation to strengthen the 1968 Act.

In addition to providing stronger enforcement, the 1988 Act also broadened the scope of the 1968 Act to cover various financial transactions involving residential real estate. The Act also prohibited housing discrimination against persons with disabilities and families with children.

Housing discrimination is unacceptable, and I am proud to have played a role in strengthening the Federal law prohibiting it. No American who wants to rent an apartment or buy a home should be turned away because of bigotry. Housing discrimination has no place in a Nation dedicated to “liberty and justice for all.” And more than ever today, when we say “all”, we mean “all”.

*Information for this article is obtained from the Cityscape: A Journal of Policy Development and Research. Volume 4, Number 3 1999 U.S. Department of Housing and Urban Development Office of Policy Development and Research.*

**D**uring Fair Housing Month (April 2016), two free Fair Housing trainings were held for the public. Over ninety-five people attended the Fair Housing Training for Housing Providers held on April 7th at the Central Library in Downtown San Diego. The training provided information to rental property owners regarding State and federal fair housing laws. The training also offered information on resolving requests from persons with disabilities, tenant and housing provider rights regarding service dogs and assistance animals, parking spaces, and other emerging fair housing issues.

In addition, the San Diego Regional Alliance for Fair Housing (SDRAFFH) held its annual meeting on April 14th. The SDRAFFH is dedicated group of professionals working together to ensure that all residents in San Diego County have equal access to housing. The City of San Diego, the County of San Diego and 17 other municipal jurisdictions participate in this group along

with Fair Housing service providers and advocates from the region. The group meets quarterly and hosts an annual meeting open to the public. At the annual meeting, Professor Roy L. Brooks, a Warren Distinguished Professor of Law from the University of San Diego, spoke on the issues of racial discrimination, racial subordination and important U.S. Supreme Court decisions in recent history.



## CALENDAR OF EVENTS

See our calendar of events

for updates on future events, workshops, and fair housing activities at:

[www.sandiego.gov/cdbg/fairhousing](http://www.sandiego.gov/cdbg/fairhousing).

## CALIFORNIA FAIR HOUSING NEWS

In recent fair housing news, Senator Mark Leno introduced to Sacramento a new bill, SB 1053 the Housing Opportunities

Act, which would amend the Fair Employment and Housing Act (FEHA). Currently, state fair housing laws protect individuals from being discriminated based on their source of income but the definition of "source of income" does not include money received from federal, state, or local housing agencies.

The proposed bill seeks to expand the "source of income" protection to include "specified federal, state, or local housing assistance or subsidies paid either to the tenant or directly to the landlord on behalf of the tenant" (SB 1053).

If passed, the bill would make housing subsidies (e.g. Section 8/Housing Choice Vouchers) a protected source of income under state fair housing laws. This means that landlords would not be able to deny applicants housing because they receive rental assistance from federal, state, or local housing agencies. Currently, landlords are able to decline or discontinue acceptance of housing subsidies such as section 8.



# Proclamation of the City Council City of San Diego

## FAIR HOUSING MONTH

April 2016

Presented By Mayor Kevin L. Faulconer and Councilmember Todd Gloria

WHEREAS, the U.S. Fair Housing Act was signed into law by President Lyndon B. Johnson on April 11, 1968 as part of the Civil Rights Act of 1968; and,

WHEREAS, the Fair Housing Act affirms a national commitment to producing a housing market without regard for the race, religion, gender, national origin, familial status, or disability of a buyer/renter or seller/landlord; and,

WHEREAS, the California Fair Employment and Housing Act of 1963, as amended, provides additional protections for fair housing within the state, including safeguards against sexual harassment and sexual orientation as well as stronger legal provisions for victims; and,

WHEREAS, the City of San Diego, through its Practice Fair Housing program in partnership with the Legal Aid Society of San Diego and the Housing Opportunities Collaborative, continues to highlight the federal and state fair housing laws by addressing housing discrimination in our community and supporting programs that educate the public about the right to equal housing opportunities; and,

WHEREAS, the City of San Diego acknowledges the efforts of the United States Department of Housing and Urban Development, the California Department of Fair Employment and Housing, and countless other state agencies, local governments, and community members for their dedication to fair housing; and,

WHEREAS, the City of San Diego thanks and commends each of its community partners for helping to focus public attention on fair housing during the month of April; and,

WHEREAS, in recognition of the 48<sup>th</sup> anniversary of the passage of the Fair Housing Act, the City of San Diego wishes to reinforce its commitment to fair housing and commend the efforts of the numerous community organizations who help promote equal housing opportunities in San Diego; NOW, THEREFORE,

BE IT PROCLAIMED, BY THE COUNCIL OF THE CITY OF SAN DIEGO, that this Council, for and on behalf of the people of San Diego, does hereby declare April 2016 to be "FAIR HOUSING MONTH" in the City of San Diego.



*Shirley St. John*  
COUNCIL PRESIDENT

*Michelle Miller*  
COUNCIL PRESIDENT PRO TEM

*Lorie Tapp*  
COUNCILMEMBER

*Todd Gloria*  
COUNCILMEMBER

*Mystle Cole*  
COUNCILMEMBER

*Debra Kelly*  
COUNCILMEMBER

*Paul Alay*  
COUNCILMEMBER

*Kevin L. Faulconer*  
MAYOR

Approved by Council on the 5<sup>th</sup> Day of April 2016.



## Practicing Fair Housing Facts - Familial Status

The Fair Employment and Housing Act prohibits discrimination in all aspects of housing (rental, lease, terms and conditions, etc.) because of the presence of children in the household (familial status). The familial status definition includes any household with an adult that has the responsibility to care for minor children, including pregnant woman and foster parents.



## TAKE ACTION



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, you may 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 maybe referred to a legal representative for further investigation of your concerns
- 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 of the law has occurred, the complaint may be litigated in court.

### At a Glance Practice Fair Housing Campaign Accomplishments

Fiscal Year 2016  
July 1, 2015 – December 31, 2015

Distributed **2900** multilingual informational brochures

Received **1545** fair housing inquiries

Implemented **52** fair housing discrimination investigations

Resolved **42** fair housing investigations

Conducted **42\*** random fair housing tests

Published **2** articles

Conducted **4** workshops

Educated **330** persons regarding fair housing rights

\* - Funded by Fair Housing Initiative Program Grant

## Multilingual Brochures

The City of San Diego has informational fair housing brochures available in Arabic, Chinese, English, Spanish, Tagalog and Vietnamese. To view these brochures, please visit: [www.sandiego.gov/cdbg/fairhousing/](http://www.sandiego.gov/cdbg/fairhousing/)

## Local Resources

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

### Legal Aid Society of San Diego, Inc.

110 South Euclid Avenue  
San Diego, CA 92114  
(877) 534-2524 | General Inquiries  
(844) 449-3500 | Fair Housing Center and Hotline

## Other Fair Housing Resources

### U.S. Department of Housing and Urban Development

Fair Housing Division  
600 Harrison Street, 3rd Floor  
San Francisco, CA 94107-1300  
(800) 347-3739

### California State Department of Fair Employment & Housing

611 West Sixth Street, Room 150  
Los Angeles, CA 90017-3101  
(800) 233-3212

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This information is available  
in alternative formats upon request.

