

Practice Fair Housing

Spring 2019

Equal access to housing is a right protected by both federal and state law. The City of San Diego strives to increase affordable and stable housing for all residents. Our Practice Fair Housing program offers free services that promote equal housing opportunities by seeking solutions through outreach, education and enforcement of the federal Fair Housing Act and California Fair Employment and Housing Act. Our goal is to ensure our City's shared values of community, opportunity and equality.

CITY OF SAN DIEGO PASSES SOURCE-OF-INCOME PROTECTIONS

Expanded protection ensures fair housing opportunities for tenants receiving housing assistance

The California Fair Employment and Housing Act (*Cal. Gov. Code §12955, et seq.*) prohibits discrimination based on source of income. But its definition of "source of income" does not include federal Section 8 Housing Choice Vouchers and other housing assistance.

This past summer, the San Diego City Council passed the **Source of Income Discrimination Ordinance**, introduced by District 9 Councilmember Georgette Gomez (pictured, right). The ordinance ensures that families receiving housing assistance through Section 8 Housing Choice Vouchers and other third-party rental assistance will not be denied consideration for rental properties (*S.D. Mun. Code §98.08*). The new protections, which go into effect Aug. 1, 2019, covers all tenants. Municipal Code violators will face civil penalties.

Which sources of income are covered?

The Municipal Code states:

Source of income means all lawful, verifiable sources of income, or rental assistance from any federal, state, local or nonprofit-administered benefit or subsidy program, or any financial aid from any rental assistance program, homeless assistance program, security deposit assistance program, or housing subsidy program, whether paid directly to the program participant, landlord, or representative of either.

This includes Section 8 Housing Choice Vouchers; nonprofit rental subsidies issued by organizations such as those assisting veterans, homeless, disabled, and/or elderly; and security deposit assistance programs.

What does the new law mean for tenants?

Housing Providers in the City of San Diego are no longer allowed to state their preference for tenants who don't have housing subsidies. Prior to the ordinance, Housing



Councilmember Georgette Gomez celebrates Source of Income Discrimination Ordinance in Aug. 2018 at City Hall/Photo by Alliancesd.org

Providers stated "No Section 8" or "No Vouchers" in rental applications, essentially discriminating against renters receiving rental assistance. Now, Housing Providers will no longer be able to opt out of accepting Section 8 Housing Choice Vouchers from tenants.

Tenants with rental assistance still need to meet the Housing Provider's rental requirements, including qualifying credit score, rental history, references and background checks. Tenants will also need to meet income requirements, but only for their portions of rent. Income for all adults in the household can be aggregated to meet income requirements.

Two Potential Scenarios

1. You have a Section 8 Housing Choice Voucher and apply for a rental unit. The Housing Provider looks at your rental application and states he/she does not accept vouchers. This is source-of-income discrimination under the new law.
2. You have a rental subsidy from a nonprofit organization that pays a percentage of your rent each month. However, you do not meet the Housing Provider's income requirements for your portion of the rent and your application is denied. Under the new law, this is most likely NOT discrimination.

Know Your Rights

www.hud.gov/fairhousing

SD Housing in the News

Legal Aid helps settle housing discrimination case against San Diego property manager

Aug, 2018—A female housing applicant has received a \$10,000 settlement from **K and R Properties** after her rental application was rejected on the basis of previous, disability-related eviction, the **California Department of Fair Employment & Housing (DFEH)** announced.

The woman, who was represented by **Legal Aid Society of San Diego, Inc. (LASSD)**, filed her complaint with DFEH in April 2017, claiming that K and R Properties violated the Unruh Civil Rights Act by rejecting her application based on the previous eviction, failing to address the mental disability and failing to offer a reasonable accommodation.

“Housing providers must understand that the duty to provide reasonable accommodation extends to all phases of the housing process, including applications.... (It) can include accommodating a housing applicant whose rental record has been negatively affected by their disability.”

—Kevin Kish, DFEH Director

According to **Legal Aid Senior Fair Housing Attorney Branden Butler**, the Complainant’s eviction stems from a coworker attacking her in an act of domestic violence. She was later diagnosed with post-traumatic stress disorder (PTSD), a mental health disability that left her unable to return to work and without money to pay rent. This led to her eviction.

After receiving PTSD treatment, a social worker case manager and a housing subsidy to cover most of her rent, the woman and her social worker visited a K and R Properties-managed complex and attempted to apply for a unit. Despite the woman and her social worker’s attempts to explain the eviction’s circumstances, the leasing agent refused her application on the basis of the eviction in her rental history. The agent also denied her request to make an exception for evictions that were the direct result of a mental health disability.

“If the property management company had accepted the client’s reasonable accommodation or was willing to conciliate with Legal Aid,” Butler said, “an administrative complaint could have been avoided.”

In addition to paying the complainant monetary compensation, K and R Properties must develop and implement Fair Housing policies, including provisions for reasonable accommodating applicants and tenants with disability.

“Will the apartment still be available when they meet me in person?”



Telling you that the apartment is “no longer available” or that they “don’t want their insurance to get canceled” may be a landlord’s attempt to discriminate.

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.



A public service message from the U.S. Department of Housing and Urban Development in partnership with the National Fair Housing Alliance. The federal Fair Housing Act prohibits discrimination because of race, color, religion, national origin, sex, familial status or disability. For more information, visit www.hud.gov/fairhousing.



Poster courtesy U.S. Department of Housing and Urban Development

DFEH settles disability discrimination case against Oak Terrace Senior Apartments in San Diego

Dec, 2018—A prospective tenant has received \$2,500 after allegedly being denied housing at the **G and Church LTD-owned Oak Terrace Senior Apartments** for using a wheelchair, DFEH announced in a press release.

The prospective tenant filed a complaint with DFEH alleging that the Oak Terrace property manager initially approved her tenancy application, but rescinded the approval after meeting her and seeing that she uses a wheelchair.

The prospective tenant’s daughter had handled most aspects of the application process, including viewing the unit. When the complainant arrived in a wheelchair to sign the lease, the property manager refused to rent an apartment to her, and accused her and her daughter of misrepresenting the prospective tenant’s identity by bringing other individuals to view the unit.

DFEH found cause to believe G and Church violated the Fair Employment and Housing Act. G and Church has agreed to obtain Fair Housing training for its employees, maintain records of all rental application decisions for one year, and display Fair Housing posters at the apartment complex to inform tenants of their rights.

Practice Fair Housing Program

By the Numbers

FY2018 At a Glance

Campaign Accomplishments

July 1, 2017 – June 30, 2018

5,150 Multilingual informational brochures distributed

2,760 Fair Housing inquiries received

156 Fair Housing discrimination investigations implemented

119 Fair Housing investigations resolved

165* Random Fair Housing tests conducted

40 Workshops conducted

615 Persons educated regarding Fair Housing rights

FY2019 At a Glance

Campaign Accomplishments

July 1, 2018– Dec. 31, 2018

2,100 Multilingual informational brochures distributed

1,420 Fair Housing inquiries received

107 Fair Housing discrimination investigations implemented

59 Fair Housing investigations resolved

62* Random Fair Housing tests conducted

54 Workshops conducted

615 Persons educated regarding Fair Housing rights

* Funded by CDBG and the Fair Housing Initiative Program grant



Calendar

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

FAIR HOUSING:

Moving Toward An Inclusive Economy

SAVE THE DATE

APR 04 2019

San Diego Central Library
Shiley Room, 9th Floor
330 Park Blvd., San Diego, CA 92101

Keynote Speaker

Manuel Pastor

Professor, Sociology and American Studies & Ethnicity & Director, USC Program for Environmental and Regional Equity (PERE)

Registration Opens Monday, Feb 11, 2019

The San Diego Regional Alliance for Fair Housing (SDRAFFH), the San Diego Housing Federation, and LISC San Diego are proud to host the 4th Annual Fair Housing Conference. Join fair housing practitioners, policy makers, housing advocates and developers, community leaders, and top experts in discussing and exploring fair housing discrimination issues and solutions to improving our communities by reflecting on our past, examining our present, and looking to our future.

For more information please visit: housingsandiego.org



Fair Housing Training for Housing Providers

Know your rights and responsibilities.

Learn more about new Fair Housing guidelines and issues.
State and Federal Housing Laws | Disability Accommodations Assistance Animals | Source of Income Ordinance
New California Harassment Laws: When Are You Liable?

When: Thursday, April 11, 2019, 10 a.m.-12 p.m.

Where: San Diego Central Library
Shiley Special Events Suite, Ninth Floor
330 Park Blvd., San Diego, CA 92101

Cost: Free

Parking: First two hours free with validation

REGISTER TODAY

Call: Legal Aid Society of San Diego, 619-471-2749

Email: Iva Lunsford, Legal Aid Society
ival@lassd.org

The Resource Page

FAIR HOUSING 101

FEDERALLY PROTECTED CLASSES

- Race
- Sex
- Color
- Familial status
- Religion
- National origin
- Disability or handicap



DISCRIMINATION UNDER THE FAIR HOUSING ACT

It is unlawful to discriminate against protected classes by:

- Refusing to sell or rent, refusing to negotiate to sell or rent, or otherwise make a dwelling unavailable;
- Discriminating in the terms, conditions, or privileges of sale or rental of a dwelling;
- Making, printing, or publishing any notice, statement, or advertisement for the sale or rental of a dwelling that indicates any preference, limitation, or discrimination;
- Representing to any person of a protected class that a dwelling is not available for inspection, sale or rental when such dwelling is available;
- For profit, inducing or attempting to induce any person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood;
- Discriminating in the sale, rental, or make a dwelling unavailable to any buyer or renter based on the disability of the buyer or renter, a person residing or intending to reside in the dwelling, or any person associated with the buyer or renter.

UNLESS YOU REPORT HOUSING DISCRIMINATION, IT WON'T STOP.



HOW TO 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 protective class, contact the City's **Fair Housing Hotline** at **1-844-449-3500**.

- Make sure to 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.

Practice Fair Housing

LOCAL RESOURCES

The City has engaged 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
1-844-449-3500
www.lasdd.org

MULTILINGUAL BROCHURES

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

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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 Department of Fair Employment & Housing

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



The City of
SAN DIEGO