

PRACTICE FAIR HOUSING



THE CITY OF SAN DIEGO



Fall/Winter 2013
Vol. 2

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 in order to promote equal housing opportunities and 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.

What is Fair Housing?

There is often much public misunderstanding about the meaning of the term "fair housing." What does it really mean?

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 or arbitrary status.



At A Glance

What have we accomplished during the first year of our Practice Fair Housing Campaign? Here is a summary of our Fiscal Year 2013 (July 1, 2012-June 30, 2013) activities:

6609	multilingual informational brochures distributed
124	housing discrimination complaints received
42	fair housing discrimination investigations implemented
30	fair housing investigations resolved
133	random fair housing tests conducted
42	new fair housing testers trained
44	public/community events attended
10	workshops conducted for home seekers, homebuyers and tenants
8	workshops conducted for property managers and landlords
22	training sessions conducted for non-profit agencies and CDBG staff
1171	persons educated regarding fair housing rights

Fair Housing Month – 2013

Each year, the month of April is designated as "Fair Housing Month" nationwide and, this past April 2013, carried with it a special significance as our nation commemorated the 45th anniversary of the passage of the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended). The federal Fair Housing Act enunciates a national commitment to fair housing without regard to race, color, religion, gender, national origin, familial status and disability.

In special recognition of this 45th anniversary and the City of San Diego's robust "Practice Fair Housing" program, the San Diego City Council join the national celebration and proclaimed April 2013 "Fair Housing Month" in the City. The Council urged all agencies, institutions, and individuals in San Diego to take due note of the observance by continuing all of our efforts to eliminate housing discrimination in our communities and to abide by the letter and the spirit of federal and state fair housing laws.



City Council "Fair Housing Month – April 2013". From Left to Right: Appaswamy "Vino" Pajanor, President & Executive Director of Housing Opportunities Collaborative; Gregory Knoll, CEO and Chief Counsel of Legal Aid Society of San Diego, Inc.; Estela De Los Rios, Executive Director of CSA San Diego County; Interim Mayor Todd Gloria; Michele St. Bernard, Fair Housing & Special Programs Coordinator for the City of San Diego; and Myrna Pascual, Field Policy & Management for the U.S. Department of Housing and Urban Development.

Calendar of Events

See our [calendar of events](http://www.sandiego.gov/cdbg/fairhousing) for updates on future events, workshops and fair housing activities at: www.sandiego.gov/cdbg/fairhousing

Won't You Be My Neighbor? Poster contest



In order to raise awareness about fair housing rights, the San Diego Regional Alliance for Fair Housing (formerly, the San Diego Regional Fair Housing Resource Board) sponsored its first Fair Housing poster contest for school-age children. Artists were asked to reflect upon the theme, "Won't You Be My Neighbor?" There were a total of forty-one (41) regional entries submitted within the County of San Diego and the Alliance selected seven (7) winners in various age categories. Sixth-grader, Jamar Mack, was one of three winners in the 6-8th grade category and the only winner from the City of San Diego.



"By bringing all these different walks of life together we can build a diverse community with lots of character. It will also bring different races into the community. It also doesn't matter how rich or poor someone is they should always have a house."

— Jamar Mack, Age 11

The selection committee was extremely impressed with and

enjoyed all of the posters submitted. Each participant was commended for his/her thoughtful essay and artwork. The contest winners were awarded \$100 gift cards and presented award certificates during special assemblies and/or acknowledgement events at school.

Poster Contest Winners

- Grand Prize Winner: James Ledesma, Oceanside
- K-5th Grade Winners: Faith Collins, Santee
Kassidy Caya, Santee
Cami Rogers, Santee
Cameron Cline, Santee
- 6th-8th Grade Winners: Jamar Mack, San Diego
Vanessa Guerra, Spring Valley



Grand Prize Winner: James Ledesma, Age 11

Fair Housing News Across the Nation Occupancy Limits – Families with Children

Washington, DC-(ENEWSPPF)-August 14, 2013. The Justice Department announced yesterday that the Townhomes of Kings Lake HOA Inc. (HOA) and Vanguard Management Group Inc. have agreed to pay \$150,000 to settle a lawsuit alleging violations of the Fair Housing Act (FHA). The lawsuit alleged that the HOA adopted and both defendants enforced occupancy limits that discriminated against families with children at the Townhomes of Kings Lake, a 249-town-home community in Gibsonton, Florida.

"The Fair Housing Act ensures that families with children are not denied their housing rights based on discriminatory occupancy policies," said Jocelyn Samuels, Acting Assistant Attorney General for the Civil Rights Division. "The Justice Department will continue to vigorously enforce fair housing laws that protect the rights of families with children."

The lawsuit, filed in October 2012, arose from a complaint filed with HUD by a family with six children that was living at the Townhomes of Kings Lake. After the family moved into their 4-bedroom townhome, the defendants indicated there was a problem with the number of people living in the home and threatened to evict the family. The family eventually moved out of the Kings Lake community. After HUD investigated the complaint, it issued a charge of discrimination and referred the matter to the Justice Department. The lawsuit alleged that the defendants violated the family's rights, that the restrictive occupancy policies discriminated against other families with children, and that the defendants engaged in a pattern or practice of discrimination or denied rights protected by the FHA to a group of persons.

"Twenty-plus years of HUD guidance and cases have put housing providers on notice that occupancy standards which unfairly limit or exclude families with children violate the Fair Housing Act," said Bryan Greene, HUD's Acting Assistant Secretary for Fair Housing and Equal Opportunity. "HUD and the Department of Justice are committed to making sure that all people have equal access to the housing for which they financially qualify."

In January 2013, while the lawsuit was pending, the HOA modified its occupancy limits to permit four occupants in 2-bedroom townhomes, six occupants in 3-bedroom townhomes, and eight occupants in 4-bedroom townhomes.

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 1-800-462-0503.

- ✓ 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, you may be referred to our legal service provider 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.

Helping San Diegans With Disabilities - Discriminated Against for Having an Assistive Animal

Legal Aid Society of San Diego, Inc., (LASSD), and its partner agency Fair Housing Council of San Diego, (FHCS), resolved a number of fair housing complaints this past year on behalf of San Diegans. The highest number of fair housing complaints received were based on disability. These complaints involved the landlords' denials of tenants' requests to have an assistive animal in the rented unit as a reasonable accommodation based upon their "no pet" rules.

The Fair Housing Act (Act), allows persons with disabilities to request reasonable accommodations or modifications to any rule, policy, procedure and/or to make structural changes if the accommodation is necessary to allow for equal enjoyment of the property. Under the Act, a person with a disability may request a reasonable accommodation to: install a ramp, remove carpet that causes asthma or have an assistive animal (for example). Assistive animals are often used to help tenants with mobility limitations, to forecast the onset of seizures, to relieve depression and anxiety, and for a variety of other uses defined by the specific disability and on a case by case basis.

The Act requires that the landlord grant permission to the requestor, so long as the request is "reasonable" and does not materially change the nature of the landlord's business and isn't too burdensome or costly. The Act provides

that in the private housing market, the requestor must incur the cost of the change in the rules or for structural changes to the unit.

San Diego Specifics

LASSD/FHCS assisted a San Diego military family in Council District 7 who faced a threat of eviction for having an assistive animal that was essential to a member's disability. The family was very concerned and, under threat of eviction unless the dog was removed, planned to drive cross-country to give the assistive animal to a relative rather than be evicted. LASSD/FHCS quickly interviewed and successfully conciliated the matter with the military housing provider ensuring that the reasonable accommodation was granted and the eviction notice was rescinded; therefore allowing the family to continue living in peace.

In another case, an individual with a disability living in Council District 3 requested a reasonable accommodation from her landlord to have an assistive animal and provided a doctor's letter verifying the need. The landlord agreed the tenant could have the animal, but also charged the tenant a separate pet deposit of \$400.00, which is a violation of the Fair Housing Act. An assistive animal is not a "pet", but rather a necessary accommodation for the tenant's disability. LASSD/FHCS provided services in this case, successfully facilitating the return of the deposit to the

tenant. In addition, the landlord agreed to enroll in a fair housing training course in order to further understand legal requirements as defined under the Act.

Lastly, LASSD/FHCS assisted an individual with mental health disabilities in Council District 8 with a reasonable accommodation – an assistive cat. The tenant made a reasonable accommodation request in writing, and was ignored by management for months, causing symptoms of her disability to worsen. LASSD/FHCS successfully conciliated with the housing provider, where the housing provider agreed to immediately grant the reasonable accommodation, obtain fair housing training for all on-site staff, and post educational fair housing material throughout the apartment complex premises.

Discrimination in San Diego is still occurring as highlighted in the cases above. The City of San Diego, in partnership with its Fair Housing service providers, will continue to work to eliminate unlawful housing discrimination in San Diego, to ensure that San Diego tenants and landlords learn more about their rights and obligations under the Act, and that persons with disabilities' are assisted accordingly.



Housing Discrimination: African-Americans, Hispanics Still Paying Higher Costs

Atlanta, GA - June 12, 2013. African-Americans, Hispanics and Asians looking to purchase or rent homes are shown fewer available units than whites, asked more questions about their finances, and charged higher rents, deposits and fees, according to a national study commissioned by the federal Department of Housing and Urban Development (HUD).

In its fourth study since 1977, HUD found that while overt cases of discrimination have diminished over time, people of color still face widespread bias that causes them to pay more annually, leading to a weaker accumulation of wealth.

"Although we've come a long way from the days of blatant, in-your-face housing injustice, discrimination still persists," Shaun Donovan, HUD Secretary, told reporters in a telephone conference when the findings were unveiled. "And just because it has taken on a hidden form doesn't make it any less harmful."

The study conducted 8,000 tests in 28 metropolitan areas using one white and one minority tester of the same gender and age, both

posing as equally well-qualified renters or buyers and visiting the same housing provider or agent.

Both testers were shown the same number of apartments or homes in more than half the test cases, but in cases where one tester was shown more homes or apartments, the white tester was usually favored, leading to a higher number of units shown to whites overall.

In 1977, in 17 percent of the cases whites were offered a unit when blacks were told that none were available, but in the new study conducted in 2012, the vast majority of all testers were able to at least make an appointment to see a recently advertised house or apartment.

After they arrived, their experiences differed: Black prospective renters were presented 11 percent fewer rentals than whites; Hispanics about 12 percent fewer rentals; and Asians about 10 percent fewer rentals.

As prospective buyers, blacks were presented 17 percent fewer homes and Asians 15 percent fewer homes, but Hispanics were



Housing Discrimination: African-Americans, Hispanics Still Paying Higher Costs

given the opportunity to see roughly the same number of homes as whites. Researchers were not sure why Hispanics were treated better than blacks and Asians under this circumstance.

In addition, and just as pernicious, white testers were more frequently offered lower rents, told that deposits and other move-in costs were negotiable, or were quoted a lower price.

"The findings probably understate the overall levels of discrimination in the market today," said Margery Austin Turner, a senior vice president at the Urban Institute, which conducted the study.

The Urban Institute found no substantial differences across cities or regions in the 28 markets tested.

John Taylor, the president and chief executive of the National Community Reinvestment Coalition, which seeks to improve housing in underserved communities, pointed out that many Americans in polls think financially stable customers have the same opportunities to obtain good housing regardless of race.

"A study like this," he said, "helps you understand that there really is very different treatment occurring when it comes to things like housing and lending."

For a complete copy of the study, click here: http://www.huduser.org/portal/Publications/pdf/HUD-514_HDS2012.pdf

Proposed New HUD Rule – Affirmatively Furthering Fair Housing

On July 19, 2013, the U.S. Department of Housing and Urban Development (HUD) issued proposed regulations seeking to fulfill the Department's statutory obligation to affirmatively further fair housing (AFFH) in its programs and activities—including in projects around the country that receive HUD funds. Those HUD-funded projects are diverse and impactful, ranging from community planning and development initiatives to affordable housing construction to public housing and beyond, serving millions of Americans in thousands of communities around the country.



The proposed regulation is an important step forward for equal opportunity. It makes clear that states, cities, towns, and counties seeking federal taxpayer funds for housing or community development initiatives must pro-actively foster fair housing to ensure that what you look like, what accent you have, whether you have children or a disability, is no barrier to where you may call home. The proposed rule also makes clear that anti-discrimination measures, integrated housing patterns, and equal access to opportunities like quality schools, jobs, and transportation are all aspects of fair housing that HUD-funded projects must actively foster.

The deadline to submit comments on the proposed rule was September 17, 2013. A final regulation from HUD will be released once those comments have been considered.

For additional details about the proposed HUD rule, please see: <https://www.federalregister.gov/articles/2013/07/19/2013-16751/affirmatively-furthering-fair-housing>.

FAIR HOUSING HOTLINE**1-800-462-0503****Multilingual Brochures**

The City of San Diego now has informational Fair Housing brochures available in English, Spanish, Vietnamese, Tagalog, and Chinese. To view these brochures, please visit: <http://www.sandiego.gov/cdbg/fairhousing/>

**Local Resources**

The City has engaged the services of two Fair Housing Service Providers to provide community outreach and legal services:

Housing Opportunities Collaborative

1100 Broadway San Diego, CA 92101-5612
(800) 462-0503 - Fair Housing Hotline

Legal Aid Society of San Diego, Inc.

1764 San Diego Avenue, Suite 200
San Diego, CA 92110-1987
(800) 462-0503 - Fair Housing 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

**THE CITY OF SAN DIEGO**

**Development Services Department
Economic Development & Project Management
Fair Housing and Special Programs**

1200 Third Avenue, Suite 1400
San Diego, CA 92101
(619) 236-6381

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This information is available in alternative formats upon request.

