

PRACTICE FAIR HOUSING



THE CITY OF SAN DIEGO



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Vol. 5

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.

NEW 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.

Walter Mondale: 'Fair Housing Act has unfinished business'

Fifty years ago former U.S. Senator Walter Mondale wrote the Fair Housing Act to end housing discrimination. The Fair Housing Act was enacted to halt residential segregation, force communities that have discriminated to do the right thing, and to integrate neighborhoods. "I was younger and more naive," Mondale says now, "and more certain that the law took care of all problems." The law hasn't lived up to his expectations. Much of the nation's housing is still racially segregated.

"When a black family with an income of \$157,000 a year is less likely to qualify for a prime loan than a white family with an income of \$40,000 a year, the goals of the Fair Housing Act are not fulfilled."

In September 2015, Mondale spoke at the U.S. Department of Housing and Urban Development's (HUD) Fair Housing Conference, stating that over the last five decades, the fair housing law was undermined by some local officials and some administrations didn't focus on enforcing the law. He thought the law would break down segregation, force communities that had long discriminated to do the right thing, and foster more places where blacks and whites could live together as neighbors.

This year, the most important new development for fair housing has been a major Supreme Court victory and a new regulation from HUD. A lot of time has been spent debating over what the law actually means. Mondale indicated that, hopefully, with the passage of the Supreme Court decision and HUD's new regulations, the debate will end and the full intent of the law will finally begin to be implemented.

The Supreme Court ruled that the law prohibits housing policies that disproportionately harm minorities even when those policies weren't built on intentional discrimination; this is known as "disparate impact." Disparate impact has been a legal concept upheld by courts for over 40 years. For example, in the State of Texas the Department of Housing and Community Affairs' policies caused a disparate-impact. The policies caused a continuation of segregated housing patterns by allocating too many tax credits to housing in predominantly black inner-city areas and too few in pre-dominantly white suburban neighborhoods.



"When real estate agents only show integrated schools and suburbs to black and Latino middle-class families, and steer white families away from those same neighborhoods and schools, the goals of the Fair Housing Act are not fulfilled."

In addition to the Supreme Court decision, in July 2015, HUD announced new fair housing rules for local governments to follow. Local governments that receive funding from HUD must "affirmatively further fair housing" (AFFH) which means that they must not only put an end to discrimination, but they must also promote integration. AFFH has been part of the fair housing legislation since its inception, but the new rules are intended to clearly tell communities what they need to do to comply with the law.

"[Opponents] are arguing that it doesn't mean anything," Mondale says. "I think it does. And the whole framework of the law is designed to eliminate discrimination and move toward integration. That's certainly what we said, that's what Ed Brooke said, that's what several judges have interpreted this as." That people still dispute the fundamental intent of the law, he adds, "tells you that the fight isn't over."

Information for this article comes from a the Washington post article written by Emily Badger, "Former Vice President Walter Mondale Delivers Key Note Speech at HUD Fair Housing Conference" and the Fair Housing Information Clearinghouse, "Walter Mondale: 'Fair Housing Act has unfinished business.'" <http://fhic.nhfa.org>

"When the federal and state governments will pay to build new suburban highways, streets, sewers, schools, and parks, but then allows these communities to exclude affordable housing and non-white citizens, the goals of the Fair Housing Act are not fulfilled."



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 Heather Fluit
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<http://www.hud.gov/news/index.cfm>

FOR RELEASE
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HUD ANNOUNCES FINAL RULE ON AFFIRMATIVELY FURTHERING FAIR HOUSING

WASHINGTON – The U.S. Department of Housing and Urban Development (HUD) announced a final rule today to equip communities that receive HUD funding with data and tools to help them meet long-standing fair housing obligations in their use of HUD funds. HUD will also provide additional guidance and technical assistance to facilitate local decision-making on fair housing priorities and goals for affordable housing and community development.

For more than 40 years, HUD funding recipients have been obligated by law to reduce barriers to fair housing, so everyone can access affordable, quality housing. Established in the Fair Housing Act of 1968, the law directs HUD and its program participants to promote fair housing and equal opportunity. This obligation was intended to ensure that every person in America has the right to fair housing, regardless of their race, color, national origin, religion, sex, disability or familial status. The final rule aims to provide all HUD program participants with clear guidelines and data they can use to achieve those goals.

"As a former mayor, I know firsthand that strong communities are vital to the well-being and prosperity of families," said HUD Secretary Julián Castro. "Unfortunately, too many Americans find their dreams limited by where they come from, and a ZIP code should never determine a child's future. This important step will give local leaders the tools they need to provide all Americans with access to safe, affordable housing in communities that are rich with opportunity."

HUD's final rule responds to the recommendations of a 2010 Government Accountability Office report as well as stakeholders and HUD program participants who asked for clearer guidance, more technical assistance, better compliance and more meaningful outcomes. HUD considered and incorporated feedback from the significant public input and comments that it received during the development of this final rule. For example, in response to public feedback, HUD will phase in implementation of the rule so that grantees have substantial time to transition to the new approach. By encouraging a balanced approach that includes targeted investments in revitalizing areas, as well as increased housing choice in areas of opportunity, the rule will enable program participants to promote access to community assets such as quality education, employment, and transportation.

HUD's rule clarifies and simplifies existing fair housing obligations and creates a streamlined Assessment of Fair Housing planning process, which will help communities analyze challenges to fair housing choice and establish their own goals and priorities to address the fair housing barriers in their community. While the final rule will take effect 30 days after publication, it will not be fully implemented immediately. HUD will provide support to program participants that need to complete an Assessment of Fair Housing to ensure they understand the process and to identify best practices across a diverse group of communities.

To learn more about the Affirmatively Furthering Fair Housing Final Rule, visit: www.hud.gov/AFFH.

SAVE THE DATE! FREE FAIR HOUSING TRAINING FOR HOUSING PROVIDERS

Thursday, April 7, 2016 • 9 a.m. to noon

San Diego Public Library's Central Library

330 Park Boulevard For more information contact

Lydia Goularte at 619-236-6393 or lgoularte@sandiego.gov

Calendar of Events

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

LGBT and Fair Housing - A Patchwork of Unequal Protection

Last year, the U.S. Supreme Court in a 5-4 decision ruled a fundamental right to marry is guaranteed to same-sex couples. However, the right of same sex-couples to rent or purchase a home is not a specific right protected under federal law.

The federal Fair Housing Act , bans discrimination in housing on the basis of race, color, religion, national origin, familial status, gender, and disability, but does not specifically include sexual orientation and gender identity/expression as prohibited bases. Recently, voters in the city of Houston rejected the Houston Equal Rights Ordinance that would have banned housing discrimination on the basis of sexual orientation and gender identity/expression . Against this backdrop, a recent study demonstrated that same-sex couples experience less favorable treatment than heterosexual couples in the online rental housing market .

While the federal government bans housing discrimination on the basis of sexual orientation, gender expression and gender identity only in government operated housing, states and cities across of the country have had to enact specific laws that ban housing discrimination against lesbian, gay, bisexual and transgender (LGBT) persons because the federal Fair Housing Act does not grant specific protections to LGBT persons. Only 21 states, which include California, have a law that bans housing discrimination on the basis of sexual orientation. Only 17 states ban housing discrimination on the basis of gender identity and expression. This fact means LGBT persons are not protected against housing discrimination in many states and could face lawful discrimination from a landlord who refuses to rent an apartment to lesbian, gay, bisexual or transgender persons. Currently, a same-sex couple can marry but can still be denied the opportunity to purchase or rent a home together because of the unequal protection of fair housing rights for LGBT persons.

California specifically bans housing discrimination on the basis of sexual orientation, gender identity and expression. If you believe you have been a victim of housing discrimination, contact the City of San Diego's Fair Housing Hotline, administered by the Fair Housing Center of the Legal Aid Society of San Diego Inc., at 844-449-3500

By: Branden G. Butler, Senior Attorney, Fair Housing Center of the Legal Aid Society of San Diego, Inc.

STATES PROTECTING LGBT

STATE	BANS SEXUAL ORIENTATION HOUSING DISCRIMINATION	BANS GENDER IDENTITY/EXPRESSION HOUSING DISCRIMINATION
California	X	X
Connecticut	X	X
Colorado	X	X
Delaware	X	-
District of Columbia	X	X
Hawaii	X	X
Illinois	X	X
Iowa	X	X
Maine	X	X
Maryland	X	-
Massachusetts	X	X
Minnesota	X	X
Nevada	X	X
New Jersey	X	X
New Hampshire	X	-
New Mexico	X	X
New York	X	-
Oregon	X	X
Rhode Island	X	X
Washington	X	X
Wisconsin	X	-
Vermont	X	X

¹ 42 U.S.C. 3601-3619

² [https://ballotpedia.org/City_of_Houston_AntiDiscrimination_HERO_Veto_Referendum,_Proposition_1_\(November_2015\)](https://ballotpedia.org/City_of_Houston_AntiDiscrimination_HERO_Veto_Referendum,_Proposition_1_(November_2015)) (viewed November 16, 2015)

³ AN ESTIMATE OF HOUSING DISCRIMINATION AGAINST SAMESEX COUPLES - (2011) U.S. Department of Housing and Urban Development Office of Policy Development and Research).

⁴ <http://www.umass.edu/stonewall/uploads/listWidget/12989/LGBT%20legal%20rights.pdf>

Practicing Fair Housing Facts - Assistance Animals in Housing

Under the federal Fair Housing Act, an assistance animal can be any animal and is not limited by size or breed. "No pets" policies do not apply to assistance animals, nor may a housing provider require an individual to pay pet deposits or fees for their assistance animal. If the animal causes damage to the apartment, a housing provider may hold the animal's owner responsible.

A housing provider may also require the following:

- Tenant cares for and supervises the animal at all times.
- Assistance animal is well-behaved when in the presence of others.
- Tenant promptly cleans and disposes of animal waste.

To learn more visit: <http://www.humanesociety.org/animals/resources/tips/assistance-animals-tenants-rights.html>

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**.



- ✓ 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 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 2015
(July 1, 2014 - June 30, 2015)

3120	multilingual informational brochures distributed
616	fair housing inquiries received
81	fair housing discrimination investigations implemented
58	fair housing investigations resolved
163*	random fair housing tests conducted
18	workshops conducted
528	persons educated 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:

<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. It can be reached at:

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.

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