

Practice Fair Housing

Spring 2017 | Vol. 7 Issue 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 to promote equal housing opportunities. Our program goal emphasizes solutions through education and enforcement to ensure our shared values of community, opportunity and equality.

WHAT TO KNOW ABOUT NEW CHANGES IN THE LAW

In nearly five decades since the **Fair Housing Act** was passed, Fair Housing laws continue to change to improve clarification on legal requirements, define and prevent discrimination and close loopholes. This helps ensure equal opportunity for housing in the United States.

In 2016 the U.S. Department of Housing and Urban Development (HUD) issued several new guidelines and rulings to the Fair Housing Act, the 1968 law that prohibits housing discrimination based on race, color, religion, sex, disability, familial status or national origin.

HUD can charge violators who could be required to pay damages or civil penalties. The U.S. Department of Justice can also take a case on behalf of a complainant. Here's some of what property managers, real estate agents and landlords should know and understand:

Preventing Sexual Harassment

Landlords/property owners cannot request a sexual act in exchange for a benefit to the tenant. HUD clarified its "quid pro quo" (Latin for "this for that") regulation.

No Smoking in Public Housing

Smoking is banned in all federally funded housing developments, requiring every public housing authority to implement a smoke-free policy.

Protecting Victims of Domestic Violence

Under the Fair Housing Act, victims of domestic violence are a protected class on the basis of sex. This affects the "zero tolerance policy" in which property management companies evict an entire household if there is an incident requiring police intervention. This policy, while seemingly neutral at face value, has a disproportionate, negative effect on women. They are disproportionately the victims of domestic violence and could more often face eviction.

Crossing Language Barriers

HUD clarified the link between limited English proficiency and national origin. Refusing to lease an apartment to renters who aren't fluent in English constitutes discrimination based on national origin. Lenders now must be able to translate forms and allow for interpreters in meetings, thereby eliminating barriers that may have kept non-English speakers from getting a mortgage.



Dealing With Ex-Offenders

New guidelines about the use of criminal records in real estate transactions now consider discriminatory the blanket refusal of housing based on an arrest record, since a disproportionate number of racial minorities have criminal histories. Policies that exclude persons with criminal histories must be tailored to serve the provider's "substantial, legitimate, nondiscriminatory interest." Policies must consider factors such as the severity of the crime and length of time since a conviction.

Questions about new HUD guidelines?

www.hud.gov/fairhousing

Questions & Answers

The following contains excerpts from the Joint Statement of the Department of Housing and Urban Development and the U.S. Department of Justice, "Reasonable Modifications Under the Fair Housing Act," from March 5, 2008.

What kinds of information, if any, may a housing provider request from a person with a disability who is requesting a reasonable accommodation?

If the disability and the need for the reasonable accommodation are obvious, then:

A housing provider is entitled to obtain information that is necessary to evaluate whether a requested reasonable modification may be necessary because of a disability. If a person's disability is obvious, or otherwise known to the housing provider, and if the need for the requested modification is also readily apparent or known, then the provider may not request any additional information about the requester's disability or the disability-related need for the modification.

Example: An applicant who has an obvious mobility impairment and regularly uses a walker asks her housing provider for an assigned parking space near the entrance to the building instead of a distant space. Since both the physical disability (i.e., difficulty walking) and the related need for accommodation are both apparent, the provider may not require the applicant to provide additional information about her disability or accommodation.

If the disability is obvious but the need for the reasonable accommodation is not, then:

The provider may request only information that is necessary to evaluate the disability-related need for the accommodation.

Example: A blind tenant living in a one-bedroom apartment requested to be moved to a two-bedroom apartment, citing his disability. The housing provider requested verification that the two-bedroom apartment was needed. The tenant's doctor wrote a letter to the housing provider stating that the tenant required an extra bedroom to accommodate a live-in aide. Here, the housing provider was able to ask for verification for the reasonable accommodation request because needing a two-bedroom apartment was not obvious.¹

If BOTH the disability and the reasonable accommodation are not obvious, then:

A housing provider may not ordinarily inquire as to the nature and severity of an individual's disability. However, in response to a request for a reasonable modification, a housing provider may request reliable disability-related information that (1) is necessary to verify that the person meets the Act's definition of disability (i.e., has a physical or mental impairment that substantially limits one or more major life activities), (2)

describes the needed modification, and (3) shows the relationship between the person's disability and the need for the requested modification.

How can a housing provider verify a disability?

Depending on the individual's circumstances, information verifying that the person meets the Act's definition of disability can usually be provided by the individual (e.g., proof that an individual under 65 years of age receives Supplemental Security Income or Social Security Disability Insurance benefits or a credible statement by the individual). A doctor or other medical professional, a peer support group, a non-medical service agency or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability. In most cases, an individual's medical records or detailed information about the nature of a person's disability is not necessary for this inquiry.

1 Example based on *Sudduth v. Barefield*, 2009 U.S. Dist. LEXIS 89287 (C.D. Cal. 2009).

FAIR HOUSING 101



What is a service animal?

Under the Americans with Disabilities Act, a service animal is defined as an animal that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the animal must be directly related to the person's disability. For example, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure. For more information about service animals, visit www.ada.gov.

FAIR HOUSING TRAINING FOR HOUSING PROVIDERS

Know your rights and responsibilities.

Learn more about the new Fair Housing guidelines and issues.

Screening ex-offenders | Dealing with service dogs | Handling language barriers | Preventing sexual harassment
State and federal Fair Housing laws and enforcement | Accommodating disabilities

- Where:** San Diego Central Library Auditorium
330 Park Blvd., San Diego, CA 92101
- When:** Friday, April 21, 2017, 10 a.m. – 12 p.m.
- Cost:** Free
- Parking:** First two hours free with validation

REGISTER TODAY

- Call:** Legal Aid Society of San Diego, 619-471-2616
- Email:** Grace Dang, Legal Aid Society of San Diego
graced@lassd.org

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.

sandiego.gov/fairhousing



The City of
SAN DIEGO



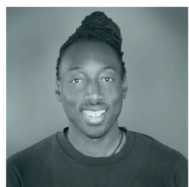
SAN DIEGO
REGIONAL ALLIANCE
FOR FAIR HOUSING

THE FIGHT
TO REDUCE
HOMELESSNESS
AND OPEN DOORS
TO PEOPLE
WITH CRIMINAL
HISTORIES

KNOCKING DOWN WALLS

FAIR HOUSING CONFERENCE

THURSDAY, APRIL 13, 2017 • 9:30 AM – 4:45 PM • UNIVERSITY OF SAN DIEGO



KEYNOTE SPEAKER
DR. ANTWI AKOM

In celebration of National Fair Housing Month in April, the **San Diego Regional Alliance for Fair Housing** presents this Fair Housing Conference to explore critical fair housing issues intersecting with homelessness, mental health, and people with criminal histories that are impacting San Diego County today and its diverse communities. Dr. Antwi Akom, Associate Professor of Environmental Sociology at San Francisco State University and Co-Founder of the Institute for Sustainable

Economic, Educational, and Environmental Design (I-SEED), will deliver the keynote address and challenge participants to look at fair housing and the cross-over issues as opportunities to innovate and improve our communities from within. 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.

SPONSORED BY



LOCATION:

Warren Auditorium
Mother Rosalie Hill Hall
University of San Diego
5998 Alcalá Park
San Diego, CA 92110

PARKING:

All attendees will be responsible for paying for their own parking. Attendees can pay beforehand and print their pass or pay in the West Lot.

TICKETS (BOX LUNCH INCLUDED)

Participant Ticket\$50.00

SDRAFFH Member, SDFH Member,
USD Employee, or Nonprofit Ticket. . \$35.00

Community Ticket\$20.00

Special discounted tickets for residents and other community members.

REGISTER TODAY

housingsandiego.org/knockingdownwalls

Calendar

GET THE LATEST updates
on fair housing events,
workshops and activities at
sandiego.gov/fairhousing

Practice Fair Housing

At a Glance

Campaign Accomplishments

July 1, 2016 – Dec. 31, 2016

- 2,136 multilingual informational brochures distributed
- 1,412 fair housing inquiries received
- 48 fair housing discrimination investigations implemented
- 34 fair housing investigations resolved
- 75* random fair housing tests conducted
- 5 workshops conducted
- 160 persons educated regarding fair housing rights

* Funded by CDBG and the Fair Housing Initiative Program grant

The City of
SAN DIEGO

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, marital status, age, ancestry, medical condition, genetic information, gender identity, gender expression or arbitrary status.



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**.

- 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.

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

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

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