

Practice Fair Housing

Summer 2017 | Vol. 7 Issue 3

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.

FIGHTING FOR HOME: ONE SAN DIEGO FAMILY'S TRIUMPH

A single mother of four children, Erika Macias was doing the best she could to support her family. She had just lost her job as a medical billing clerk and picked up part-time work cleaning properties for her landlord and serving as a caregiver. She found herself short on the \$1,300 rent for half of a six-bedroom home in Southeastern San Diego.

Macias asked her landlord for an extension. That's when the landlord, she said, propositioned her, offering her rent relief in exchange for sexual favors.

"I felt very vulnerable," said Macias, 41, recalling the 2013 encounter. "He (the landlord) had made a lot of suggestive comments in the past about my being a 'single woman.' I knew he had finally gone too far."

Macias refused her landlord's proposition. A few days later, the landlord evicted her.

Macias, her son, Angel, 17, and her daughters -- Elisa, 18, Erika Gonzalez, 14, and Karla Gonzalez, 13 -- had nowhere to go. She called the City, which furnished her with a list of shelters. But all the shelters she called allowed only parents with children under 18 years of age.

"I couldn't go to a shelter because I didn't want to leave my 18-year-old daughter on the streets," she said.

Macias scraped together what little money she had and moved her family into the cheapest hotel she could find. She gave up two of the family's four dogs for adoption. She sold household items for cash. Each morning, she awoke worried about where her family would sleep next.

For about two months, they hopped from hotel to hotel, "anywhere, wherever they had a special," Macias said. Sometimes, they sat at Balboa Park while Macias searched for where they would spend the night.

"One afternoon, I was crying, telling my children, 'We can't live like this,'" Macias remembered. "We were homeless. But my kids -- they're my strength -- kept saying, 'We can do this. We can make it.'"



Macias called 211 and told her story of how she lost her last home. The 211 attendant referred her to the **Legal Aid Society of San Diego Inc.**, a nonprofit law firm that administers the City of San Diego's Fair Housing Program. She met with Branden Butler, a senior attorney for Legal Aid's Fair Housing Center, who took the pro-bono case and began a thorough investigation of the alleged violation of the federal Fair Housing Act on the basis of sexual harassment.

"This case is a story of a woman doing her absolute best to raise her children and work," Butler said. "She was the victim of a housing provider who preyed upon her vulnerabilities."

But the investigation and the lawsuit, which was filed in 2015 in federal U.S. District Court, Southern District (San Diego), would take time.

Exhausted and overwhelmed, Macias struggled beneath the daily financial strain. She fell into a deep depression and attempted suicide. Twice. *(Continued on Page 2.)*

Know Your Rights

www.hud.gov/fairhousing

Fair Housing in Court

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"My son, Angel, was my rock," she said, wiping away tears. "He showed me that I have so much to live for."

Her oldest daughter, Elisa, took a fast-food job. Angel landed work as a construction superintendent for a tile installer. They pitched in to help support the family. Macias was able to continue working as a caregiver in exchange for renting a Spring Valley home next door to her client.

The Macias case had a jury trial. In the courtroom, Macias confronted the landlord again, this time with the Legal Aid team at her side. The jury awarded damages to Macias, having found that the landlord violated the Fair Housing Act.

An April 2017 judgment ordered the landlord to pay Macias \$55,000. Butler has also filed motions for attorney fees and the injunctive relief of requiring the landlord to go through training or have a property management company hired to manage his properties.

"We've done two major sexual harassment cases in the last three years, which says something about the prevalence," Butler said. "We hope that this case sends a message to folks that it is illegal conduct to harass tenants."

On on April 4, 2017, Macias joined Legal Aid Society for a City Council proclamation of April as "Fair Housing Month."

She and her family now live in Lemon Grove. Her two older children are working. Her daughter, Erika, graduated from high school, and her youngest, Karla, just finished the 10th grade.

"We've been through a lot as a family," Macias said. "We had to go through a lot just to have a home."



Erika Macias joins Legal Aid attorney Branden Butler, left, and Executive Director/Chief Counsel Gregory E. Knoll.

Several Fair Housing cases reached not only federal court but also the U.S. Supreme Court in 2016 and 2017. Here are a few cases that caught our attention:

Smith v. Avanti, 2017 U.S. District Court, District of Colorado

Tonya Smith and Rachel Smith, who is transgender, are a Colorado same-sex couple who have been married for more than five years and have two young children, ages 6 and 2. In 2015 they found a two-bedroom duplex in the Gold Hill community where they hoped they could raise their family. They toured the property, met with the landlord, Deepika Avanti, and expressed interest in renting the townhome.



But within hours of the meeting, Avanti emailed Tonya and Rachel to inform them that she would not be renting the unit to either of them. Avanti first cited concerns about the noise from children. In another email, Avanti expressed that she thought their "unique relationship" and Rachel's "uniqueness" would become the focus of town discussion and jeopardize the low profile she had kept in the community for 30 years.

Lambda Legal, a 501(c)(3) nonprofit national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and everyone living with HIV through impact litigation, education and public policy work, took the Smith's case against Avanti, the Boulder County property owner.

It filed a federal discrimination lawsuit in the U.S. District Court for the District of Colorado against Avanti in January 2016. The lawsuit asserted that Avanti engaged in discrimination on the basis of sex and familial status, both in violation of the federal Fair Housing Act and Colorado Anti-Discrimination Act. It also asserts that Avanti discriminated against the Smith family on the basis of sexual orientation and transgender status, a violation of the Colorado Anti-Discrimination Act.

In June 2016 Lambda Legal moved for summary judgment. On April 5, 2017, the court ruled that the landlord discriminated against an LGBT family. On April 7, 2017, the plaintiffs moved to dismiss the case following a settlement agreement requiring payment of damages, adoption of nondiscrimination policy and training.

Bank of America Corp. v. City of Miami, U.S. Supreme Court

In the only Fair Housing case that reached the U.S. Supreme Court in 2016, the City of Miami filed suit against Bank of America and Wells Fargo, claiming that the banks targeted minorities for extremely risky mortgages that came with high interest rates and exorbitant fees.

The City alleged that the banks offered loans to borrowers they knew had poor credit and little cash. The banks also refused borrowers' requests to refinance or modify their original loans, inducing widespread foreclosures and vacancies in minority communities and lowering the property value, which led to lower property-tax revenue for the City. The City sued under the Fair Housing Act, claiming that the banks engaged in predatory lending practices that were racially discriminatory.

Bank of America and Wells Fargo wanted the case dismissed, arguing that the City lacked the standing of an "aggrieved person" to bring suit on behalf of its citizens under the FHA. But Justice Stephen Breyer, in May 2017, rejected the banks' argument, citing the economic harm caused to the City's bottom line.

Wright v. Mishawaka Housing Authority, U.S. District Court, North Dakota, Indiana and South Bend Division

Plaintiff Mary Beth Wright alleged that the Mishawaka Housing Authority (MHA) discriminated against her on the basis on her disability. While hospitalized in 2015 due to her disability, MHA sent Wright an eviction notice because the apartment had a bedbug infestation. Wright's attorney responded to MHA, informing it that Wright was hospitalized and would need more time. Still, MHA evicted Wright and removed and destroyed her wheelchair, furniture and other personal property.

Wright brought suit against MHA for violating three anti-discrimination statutes: the Federal Housing Act Amendments, the Americans with Disabilities Act and the Rehabilitation Act. She also argued that MHA failed to provide her with a reasonable accommodation (See Fair Housing 101). The court ruled in Wright's favor, awarding her damages.

FAIR HOUSING 101

A REASONABLE ACCOMMODATION is assistance or changes made upon a resident's request and provided voluntarily and as an exception to standards by a housing provider to accommodate a resident's disability, unless doing so would pose an undue hardship. The housing provider should not initiate the offer to make an accommodation but should wait for the resident's request for accommodation.

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 – March 31, 2017

- **3,919** multilingual informational brochures distributed
- **1,966** Fair Housing inquiries received
- **75** Fair Housing discrimination investigations implemented
- **55** Fair Housing investigations resolved
- **90*** random Fair Housing tests conducted
- **2** articles published
- **7** workshops conducted
- **205** persons educated regarding Fair Housing rights

* Funded by CDBG and Fair Housing Initiative Program grant



City proclaims April "Fair Housing Month" - April 4, 2017



Fair Housing Training for Housing Providers - April 15, 2017

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

This newsletter is funded in whole or in part with Community Development Block Grant Program funds provided by the U. S. Department of Housing and Urban Development to the City of San Diego.

