
Fair Housing For All

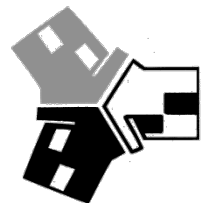
Project Sentinel

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Project Sentinel

Who are we?

- Private non-profit agency headquartered in Santa Clara
- Funded mostly by government grants and contracts



What do we do?

- Fair Housing/
Discrimination
- Landlord/Tenant
Counseling
& Dispute Resolution
- Housing Counseling
Services

Fair Housing Basics



What is Fair Housing about?

- **Discrimination in:**
 - Advertising
 - Sale/rental of housing
 - Terms/conditions of housing
 - Termination of tenancy
- **Based on protected class status**
- ***Not* unfair or negative treatment in general
-- must be based on protected class**

The key to discrimination is

differential treatment –

treating **two similarly situated tenants**

of **different protected classes**

differently

without a clear *non-discriminatory reason*.

Protected Categories

A “protected category”
is a group of persons
whom the fair housing
laws protect from
discrimination.



Implicit Bias

...is an **unconscious** association, belief, or attitude towards any social group.

- How does implicit bias play into your own life? Where do I see it in other lives?
- Where did these biases form?
- What can we do to address implicit bias? How can we be more aware of it?

Federal Protected Classes

- Race
- Color
- Religion
- National Origin
- Gender
- Familial Status
- Disability



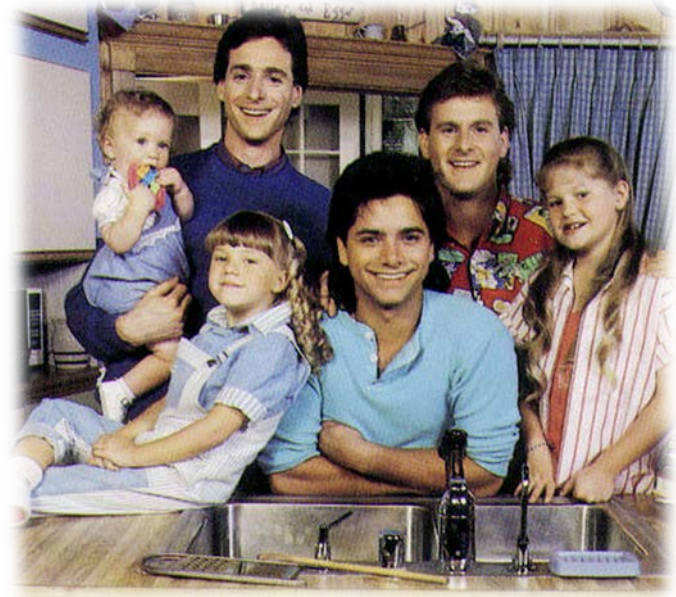
California Protected Classes

- Age
- Marital status
- Ancestry
- Sexual Orientation
- Veterans
- Gender Identity
- Source of Income
- Personal characteristics



Familial Status

- Common types
 - Rules that prohibit or limit play unreasonably
 - Rules that limit children's use of facilities
 - Unreasonable supervision rules
 - Noise issues
 - Discriminatory enforcement of rules against children



Disability

- What is a disability?
 - A physical or mental impairment that limits one or more of a person's major life activities.
 - A record of having, or being perceived as having, such an impairment.



Disability

- Reasonable Accommodations (RAs)
 - A change in rules, policies, practices, or services which may be necessary to enable a person with a disability an equal opportunity to obtain, use and enjoy his or her home.
 - Or simply put: an exception.



Disability

RA Examples

Service or companion animal

Break Lease

Change in rent due date

Caretaker or live-in aid

Parking spaces

Transfers

Extensions



Disability

- Reasonable Accommodation *Standard*
 - Disability + Necessary Nexus
 - Landlord can request medical verification of the tenant's disability, if there is some doubt.
 - Does not have to be from a particular kind of doctor or health care provider

- Reasonable Accommodation *Process*
 - Request – oral or written
 - Duty to engage in the interactive process in a timely and meaningful way
 - No “magic” words required

AB 468 –ESA Law

- The law seeks to address the issue of increased selling and misrepresentation of emotional support animals as service animals. It also seeks to prevent businesses that sell special ESA certificates, ID cards, vests, and harnesses that seek to mislead others into thinking the emotional support animal is a service animal.
- They must hold a legitimate and active license. In the ESA letter, they must include their license number, the effective date, their jurisdiction, and the type of professional license.
- They must be licensed to provide professional services within the scope of the license in the jurisdiction in which the documentation is provided.
- They must establish a professional relationship with the client at least 30 days before providing the ESA letter.
- They must conduct a clinical evaluation of the client to assess their need for an emotional support pet.

Source of Income

- Under California law, you **CANNOT** discriminate against a tenant because of **WHERE** their income comes from i.e. you cannot prefer someone with a “job”
- You **CAN** require that they make **ENOUGH** income to afford the rent of your apartment



Vouchers – Source of Income

- Can no longer refuse to accept vouchers as the form of payment
- Must calculate financial eligibility based on tenant's portion of rent, not entire rental amount

Retaliation

- It is illegal to harass, evict, or otherwise discriminate against any person in retaliation against that person for opposing discrimination, or helping another person oppose discrimination.
- If you take adverse action against a tenant shortly after you become aware that they are asserting fair housing rights – watch out!



Fair Housing Enforcement

How can someone bring a FH claim?

- Informal demand
- Defense in a UD proceeding
- Administrative complaint – HUD or DFEH
- Lawsuit
- BRE Complaint



Pro-Active Fair Housing Policies

1. Set clear, consistent policies and guidelines
2. Provide fair housing training to all staff
3. Publish and display equal opportunity housing policy
4. Develop, print, and distribute rental eligibility criteria to all applicants

Questions?



www.housing.org

Contact us! Call me at (669) 262-0469
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