

HOUSING DISCRIMINATION

Legal Services of Northern California

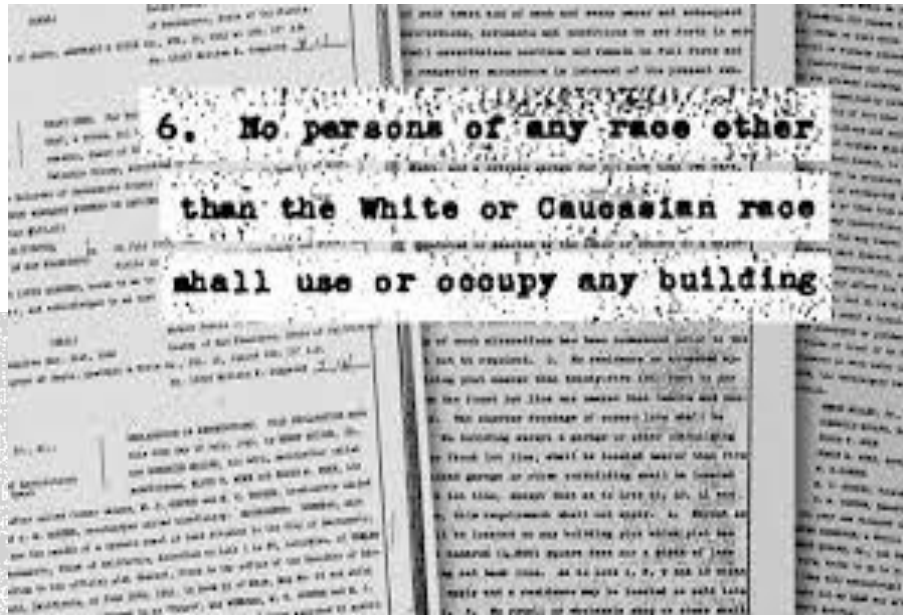
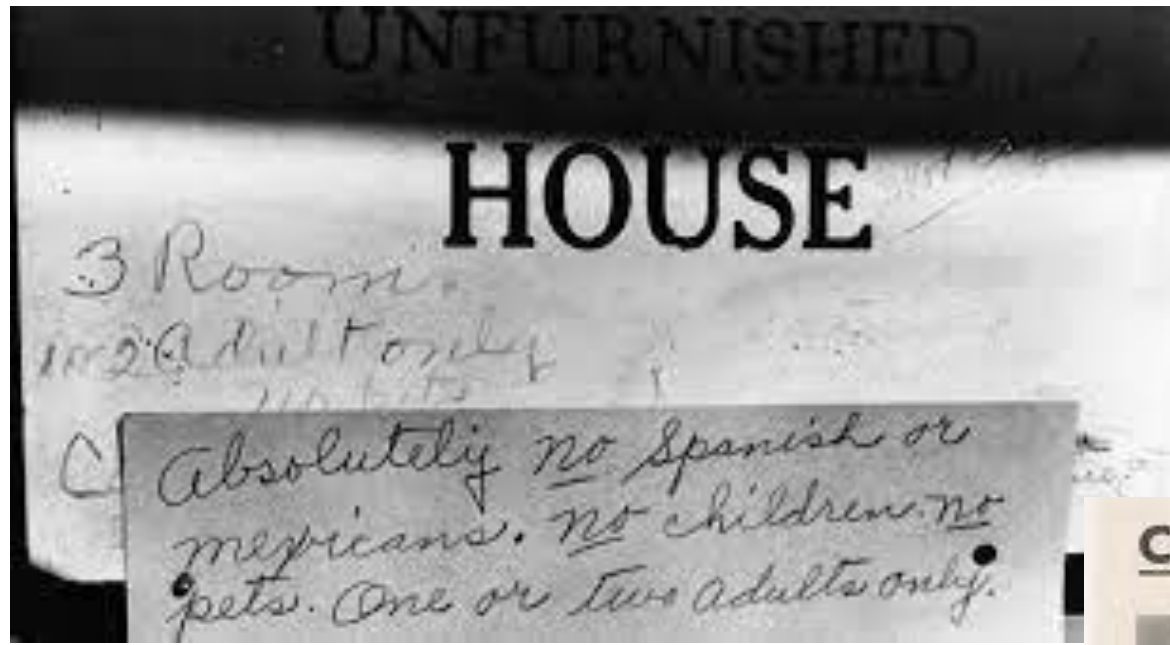
October 5, 2023

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WHY TALK ABOUT HOUSING DISCRIMINATION?

- Then and Now
- Policies, practices and actions that limit housing opportunity and access because of someone's race, sexual orientation, disability status, national origin, source of income, familial status, or other protected characteristics impact people's lives and further divide and exacerbate inequities in communities
- Duty to foster and maintain compliance with civil rights and fair housing laws

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Come! See! Hear!

SENATOR
EUGENE McATEER

ASSEMBLYMAN
W. BYRON RUMFORD

Tarea Hall Pittman
Regional Secretary NAACP

SPEAK ON THE CAMPAIGN FOR

**A FAIR HOUSING
LAW IN CALIFORNIA**
and Other Human Rights Legislation

IN 1963

FRIDAY, MARCH 22, 1963 - 7:30 p.m.

Ben Franklin Junior High School
FRANK AND MCGEE STREETS - SAN FRANCISCO Ample Parking

California Committee
for Fair Practices

Sponsoring Organizations:
S.F. Branch NAACP
S.F. Committee for Fair Housing
California National Council
Community Service Organization

Benefit California Committee for Fair Practices - 2900 16th St., San Francisco - MA 11712

FEDERAL ANTI-DISCRIMINATION LAWS IN HOUSING

GENERAL OVERVIEW- NOT EXHAUSTIVE

- **Fair Housing Act of 1968**, as amended, Fair Housing Amendments Act, 42 U.S.C. §§ 3604 *et seq.*, 24 CFR Part 100: prohibits discrimination in the sale, rental, and financing of dwellings and other housing related transactions based on protected characteristics.
- **Section 504 of the Rehabilitation Act of 1973**: requires housing program, provider or activity that receives federal funds to take additional steps to further fair housing for persons with disabilities.

CALIFORNIA ANTI-DISCRIMINATION LAWS IN HOUSING

GENERAL OVERVIEW- NOT EXHAUSTIVE

- **Fair Employment and Housing Act**, Gov. Code §§ 12900-12996: prohibits discrimination and harassment in all aspects of housing based on protected characteristics.
- **Unruh Civil Rights Act**, Civ. Code §51: protects individuals from discrimination/harassment by business establishments (stores, restaurants, housing accommodations) on the basis of protected characteristics.

PROTECTED BASES

OF INDIVIDUAL PLUS INDIVIDUAL(S) ASSOCIATED WITH MEMBERS OF A PROTECTED CLASS OR PERCEIVED TO BE A MEMBER OF A PROTECTED CLASS

- Race
- Color
- Sex
- Religion
- National origin
- Familial Status
- Disability
- Sexual Harassment
- Sexual Orientation
- Gender
- Gender Identity
- Gender Expression
- Source of Income
- Marital Status
- Veteran or Military Status
- Genetic Information
- Plus others if *Unruh* applies

WHO IS SUBJECT TO ANTI-DISCRIMINATION HOUSING LAWS?

- Property Owners
- Property Management Companies
- Tenant Screening Companies
- Homeowner Associations
- Real Estate Agents
- Motels
- Shelters
- Housing Authorities
- Government entities
- & More

FORMS OF DISCRIMINATION

- **Disparate Treatment: Intent to discriminate based on someone's protected class**
- **Disparate Impact/Discriminatory effect**
 - **Facially neutral practice that has a discriminatory effect (disproportionate effect on members of a protected class).**
 - **No showing of discriminatory motive required**
 - **Legally sufficient justification, 2 CCR 12062**

WHAT IS PROHIBITED? EXAMPLES OF ACTIONS THAT MAY BE DISCRIMINATORY IF BASED ON A PERSON'S PROTECTED CHARACTERISTIC:

- Refusal to sell, rent or lease housing
- Represent that housing is not available when it is
- Refusing to negotiate for rental, lease or sale of housing
- Denial of a home loan or homeowner's insurance.
- Cancellation or termination of a sale or rental agreement
- Refusing to rent to a tenant with a housing choice (section 8) voucher.
- Not complying with the requirements of a rental assistance or subsidy program (such as section 8) by refusing to complete required forms, sign documents, or allow inspections

WHAT IS PROHIBITED? MORE EXAMPLES OF ACTIONS THAT MAY BE DISCRIMINATORY IF BASED ON A PERSON'S PROTECTED CHARACTERISTIC:

- Refusal to make reasonable accommodations in housing rules, policies, practices, or services where necessary to provide a disabled person equal opportunity to use and enjoy a dwelling
- Refusal to permit a person with a disability to make a reasonable modification to housing
- Set different terms, conditions or privileges for housing or for use of housing facilities
- Local government agency making zoning, land-use decisions or policies

LAND USE PRACTICES

ARTICLE 15 IN CCR

- 2 CCR §12161(2020): describes general practices that are unlawful in connection with housing opportunities or existing or proposed dwellings, if the practice intentionally discriminates or has a discriminatory effect on members of a protected class
- Specific prohibited practices listed in § 12162, such as:
 - Requiring eviction based on broad definition of nuisance
 - Policies mandating eviction against tenants arrested of crimes

COMMON ISSUES WE SEE RELATED TO DISCRIMINATION IN RENTAL HOUSING

- Refusal to permit a reasonable accommodation to rules and regulations
 - Especially around “No Pet” policies - Emotional Support Animals
- Source of Income Discrimination: Receipt of public assistance
- False denial of availability because of applicant’s protected class.
- Refusal to allow reasonable modification to a unit
- Change of rules that displace poor residents
- Subsidized housing: National origin as related to language
- Dilapidation and then rehab that results in displacement to protected classes

HOW ARE THE LAWS ENFORCED?

- Raising fair housing defense in an eviction in state court
- HUD or Civil Rights Department Complaint
- Affirmative Litigation
- Writ of Mandamus
- In local government approval process for housing development

RESOURCES TO HELP WITH HOUSING DISCRIMINATION ISSUES

- **Legal Services of Northern California, Ukiah Regional Office**
(Last Slide)
- **Civil Rights Department, State of California:** the agency charged with enforcing California's civil rights laws.
 - Website: calcivilrights.ca.gov
 - Communication Center: 800-884-1684 (voice), 800-700-2320 (TTY)
- **Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development:** (800) 669-9777
 - Website: www.hud.gov
 - Region IX, San Francisco Regional FHEO: (800) 347-3738

LEGAL SERVICES OF NORTHERN CALIFORNIA

UKIAH REGIONAL OFFICE

- Free Civil Legal Services
- Mendocino and Lake County Residents
- Eligibility Intake
- Legal Issues
 - Housing (Tenants' Rights, Land Use, Foreclosures, etc.)
 - Public and Health Care Benefits
 - Reentry ("Expungement")
 - Special Senior Issues
 - Unemployment Claims
 - Immigration
 - Education
- Contact Information
 - Phone: (707) 462-1471, toll free (877) 529-7700
 - Address: 421 N. Oak St., Ukiah
 - Office Email: ukiah-office@lsnc.net
 - Website: www.lsnc.net