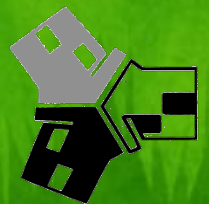




Tom Skinner - Fair Housing Staff Attorney - (888) 324-7468



The Fair Housing Center at Project
Sentinel: Know Your Rights!



What does Project Sentinel's Fair Housing Center do?

- Investigate FH complaints
- Conduct proactive audits to detect discriminatory practices
- Educate tenants
- Provide advice and consultation to tenants



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What is “Fair Housing” About?

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

Protected Categories

Federal

- a. Race/Color**
- b. National Origin**
- c. Religion**
- d. Sex**
- e. Disability**
- f. Familial Status**

California

- a. Marital Status**
- b. Sexual Orientation**
- c. Gender Identity**
- d. Age**
- e. Source of Income**
- f. Arbitrary**
- g. Immigration Status**
- h. Primary Language**

National Origin

- Immigration status IS a protected class in California
- A Landlord canNOT ask you about your immigration status, require proof of citizenship, or make threats to report you to the authorities because of your status
- A Landlord canNOT discriminate based on the fact that English is not your first or primary language

National Origin

- What CAN a Landlord do?
 - Verify identification
 - Multiple forms of ID
 - Verify income qualifications
 - Multiple ways to show income and credit
 - Credit CAN be checked using an ITIN



Familial Status



- Definition: Illegal to discriminate against a household because of the presence of a minor (under 18)
- Qualified senior housing is exempt – “Over 55” housing

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Familial Status

- Overly restrictive rules directed at children or applied only to children



- Overly restrictive occupancy limits
 - 2 + 1 Guideline



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Disability

- FHA in play most of the time, not ADA
- What is a disability?
 - Simplified definition: a physical or mental impairment that limits one or more of a person's major life activities.
- Direct discrimination or unreasonable denial of an RA or RM



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.



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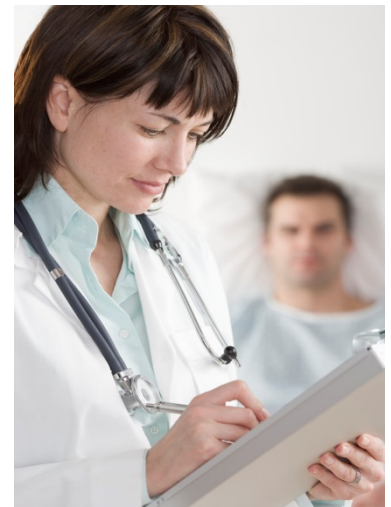


Disability: Reasonable Accommodations

TENANT'S BURDEN

1. Make initial request for accommodation or modification
 - Request does not need to be in writing
 - Can request RA at any time from pre-application through writ of possession

2. State two elements:
 - A. Tenant is **disabled**
 - B. Specific accommodation/modification is **necessary because of disability**



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Reasonable Accommodation Examples

1. Extension of time to move out during eviction process
2. Creating a reserved parking space for a tenant with a mobility impairment who needs to park close to her dwelling unit
3. Assisting an applicant with a developmental disability in completing a standard rental application
4. Permitting tenant with a caregiver to transfer from a one-bedroom to a two-bedroom unit
5. Accepting reference from a social worker on behalf of an applicant whose disability required hospitalization and lacks recent rental history

Reasonable Accommodations: Can a Landlord say “no”?

- YES! If...
 - The tenant did not meet his/her burden (no nexus between disability and request)
 - It is an undue financial burden to LL
 - It is an undue administrative burden to LL
 - It would fundamentally alter the essential nature of the LL's operations
 - It would result in an actual direct threat

Disability: Assistance Animals



- Service animals, companion animals, emotional support animals – are **NOT** pets!
- Do **not** have to be trained or certified – not like the ADA
- **Cannot** require additional security deposit or pet “rent”
- **Can** require good behavior



Thank you!

