

Project Sentinel Fair Housing

PRESENTED BY: ELIZABETH SANCHEZ



Our Mission Statement

To develop and promote fairness and equality of housing opportunity for all and to advocate peaceful resolution of disputes for community welfare and harmony.

Fair Housing Center offices in Fremont, Gilroy, Modesto, Redwood City, Sacramento, and Santa Clara

www.housing.org

(888) 324-7468

Who Are We?

- ▶ We are a non-profit organization
- ▶ We are non-partisan; we advise and assist *both* Landlords and Tenants

- ▶ LL/T Counseling
- ▶ Mortgage Counseling
- ▶ **Fair Housing/ Housing Discrimination**

What does Project Sentinel's Fair Housing Center do?

- ▶ Investigate FH complaints
- ▶ Conduct proactive audits to detect discriminatory practices
- ▶ Educate both tenants and housing providers
- ▶ Provide advice and consultation to both tenants AND housing providers

Difference?

- ▶ Sometimes things are unfair.
- ▶ That does not mean that they are also illegal.
- ▶ What is the difference? What makes something a Fair Housing issue?

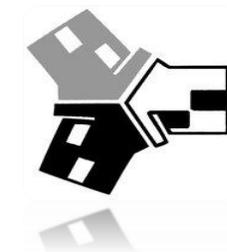
“Fair Housing” = Discrimination in Housing

More specifically, it means discrimination in:

- Advertising
- Sale or rental of housing
- Terms or conditions of housing
- Termination of tenancy
- Must be based on **protected class status**

What it is NOT:

- *Not* unfair or negative treatment in general – must be based on **protected class**



What is a PROTECTED CATEGORY?

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



Protected Categories

Federal

- ▶ Race/Color
- ▶ National Origin
- ▶ Religion
- ▶ Sex*
- ▶ Disability
- ▶ Familial Status



California

- ▶ Marital Status
- ▶ Sexual Orientation
- ▶ Gender Identity
- ▶ Age
- ▶ Source of Income
- ▶ Arbitrary
- ▶ Military/Veterans
- ▶ Immigration Status
- ▶ Primary Language



Using Criminal Records in Housing

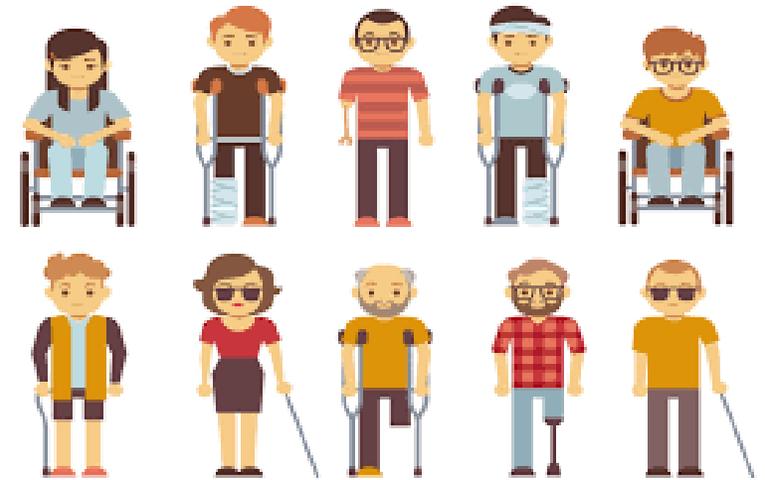
- ▶ In 2016, HUD placed restrictions on broad criminal history prohibitions in tenant selection.
- ▶ Arrests should not be considered at all, only convictions.*
- ▶ No blanket bans!
- ▶ Landlords should look at individual circumstances, such as type of conviction, how long ago it occurred, behavior since then, etc.

*Check out our Criminal History Toolkit!



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.



Reasonable Accommodations

- ▶ 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



Examples of RA's

- ▶ Service animals
- ▶ Emotional support animals
Parking spaces
- ▶ Transfer of units
- ▶ Extensions of time
- ▶ Break Lease (DV)
- ▶ Large-print signs
- ▶ Caretaker or live-in aid
- ▶ Second chances
- ▶ Covid-19

Denying an RA

- ▶ If the requested accommodation would cause an undue administrative or financial burden
- ▶ If the request would require a fundamental change to the housing provider's program
- ▶ If the requested accommodation would cause an undue health and safety burden

DENIED

Reasonable Accommodations & Modifications

Who pays for any costs associated with a Reasonable Accommodation?

→ The Landlord

Who pays for any costs associated with a Reasonable Modification?

→ The Tenant



Reasonable Modification

- ▶ Same as RAs, except a physical change to the unit.
- ▶ Landlord can reasonably require a return to original condition (wear and tear excepted) if the RM would be unacceptable to a new tenant.
- ▶ Landlord has the right to approve plans and ensure a workmanlike product.



RM Examples



- ▶ Lift
- ▶ Ramp
- ▶ Grab bars
- ▶ Lowering mailbox or peep hole
- ▶ Doorway widening
- ▶ Making leg room for a wheelchair
- ▶ Lever handles on faucets or doors

Gender

Gender discrimination covers two special issues

Sexual Harassment

- Owner, manager, employee
- Neighbors

Domestic Violence

- Early lease termination
- Eviction of abuser
- Lock changes



Familial Status

- ▶ *The presence of minors under 18 years old and pregnant women.*
- ▶ To treat people/families with children differently
- ▶ Overly restrictive rules directed at children are prohibited, as they treat households with children different than adult-only household
- ▶ Occupancy limits
- ▶ Rules specifically about children
- ▶ Curfew
- ▶ No children or pets



Source of Income

Housing providers must accept all sources of income so long as it is legal and verifiable.

This may include: SSI, SSDI, child/spousal support foster care support, etc.

Now it includes: Section 8

Beware when you hear: “Professionals preferred.”

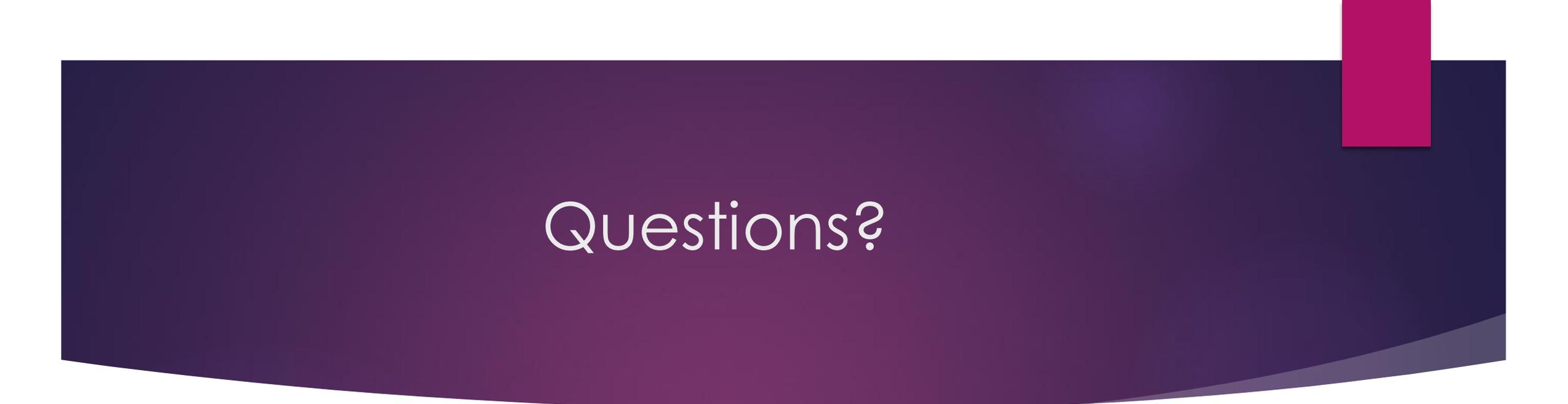
This does not mean that it is illegal for a housing provider to require a minimum income. But it is important to note that for section 8 voucher holders, the minimum income requirement must reflect the **tenant portion** of their rent.



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 the housing provider takes any form of adverse against a tenant shortly after they become aware that the tenant is asserting fair housing rights.





Questions?

Contact information:

fairhousing@housing.org

1888-324-7468

www.housing.org