



**HWS** HOUSING AND  
WORKFORCE  
SOLUTIONS  
ENGAGE. ENCOURAGE. EQUIP.



# "Fair Housing"

## Multidisciplinary Approaches to End Homelessness

A Continuum of Care Division Webinar Series

Please sign in by typing your full name, title, and organization into the webinar chat box.

# About the Webinar Series

## **PURPOSE**

These Webinars provide an opportunity to engage with local and regional experts on best practices, advocacy tools and resources available to prevent and end homelessness.

## **RECORDED WEBINARS**

After the live webinar has taken place, the recording will be added to our website.

## **UPCOMING WEBINARS**

We are working on securing speakers for future webinars and would love to feature you or your agency.

Email [CoC@rivco.org](mailto:CoC@rivco.org) if interested.

Please sign in by typing your full name, title, and organization into the webinar chat box.

# Today's Agenda

10:00 - 10:05 AM	Welcome	HWS - Continuum of Care Staff: Emma Perez-Singh, Administrative Services Manager
10:05 - 10:30 AM	Inland Counties Legal Services	María Cazerez-Reyes, Housing Practice Group Director
10:30 - 10:55 AM	Fair Housing Council	Rose Mayes, Executive Director
10:55 - 11:00 AM	Q&A: Please type your questions in the chat box. We will answer as many questions as possible at the end of the webinar.	

Please sign in by typing your full name, title, and organization into the webinar chat box.



# INLAND COUNTIES LEGAL SERVICES HOUSING SERVICES

 **INLAND COUNTIES  
LEGAL SERVICES**

[Inlandlegal.org](http://Inlandlegal.org)



PRACTICE  
AREAS

- Bankruptcy & Tax
- Consumer Law
- Education
- Family Law and Domestic Violence
- Health Law
- Housing
- Immigration
- Public Benefits
- Senior Outreach
- Systemic and Impact Litigation

# Housing Goals



**Prevent  
Homelessness  
(Houselessness)**



**Prevent  
homeowners from  
losing their home.**

# **SERVICES**

**Hotline**

**UD  
Clinic**

**TLAP**

# Unlawful Detainers and/or risk of Eviction

1. Any cases where there is a notice or Unlawful Detainer Serve. This type of case takes priority over most of the other cases we get.
  - a) For Unlawful Detainer cases: we give counsel and advice, assistance with drafting an answer, and representation.
    - i) The Housing Department currently covers 8 courthouses.
2. Advocacy to protect ADA rights.
  - a) Reasonable Accommodations can be drafted to either seek more time for the client or assist in preserving housing.
3. Illegal lock-outs: lockouts without a court order or without waiting for the sheriff to enforce a Writ of Possession.

# Homeowners

## 1. Foreclosure Prevention Advocacy

- a) In cases where the client is already in the process of foreclosure. The services we offer depend on how late in the process the client seeks help.

## 2. Loss Mitigation.

- a) Cases where the client is not yet in the foreclosure process and is trying to prevent. A servicer has a duty to try to mitigate chances of losing a home (forbearance, payment plan, modifications).

## 3. Assistance with Evictions

- a) Only offered to landlords where they reside with the tenant otherwise, the case is outside our priorities.

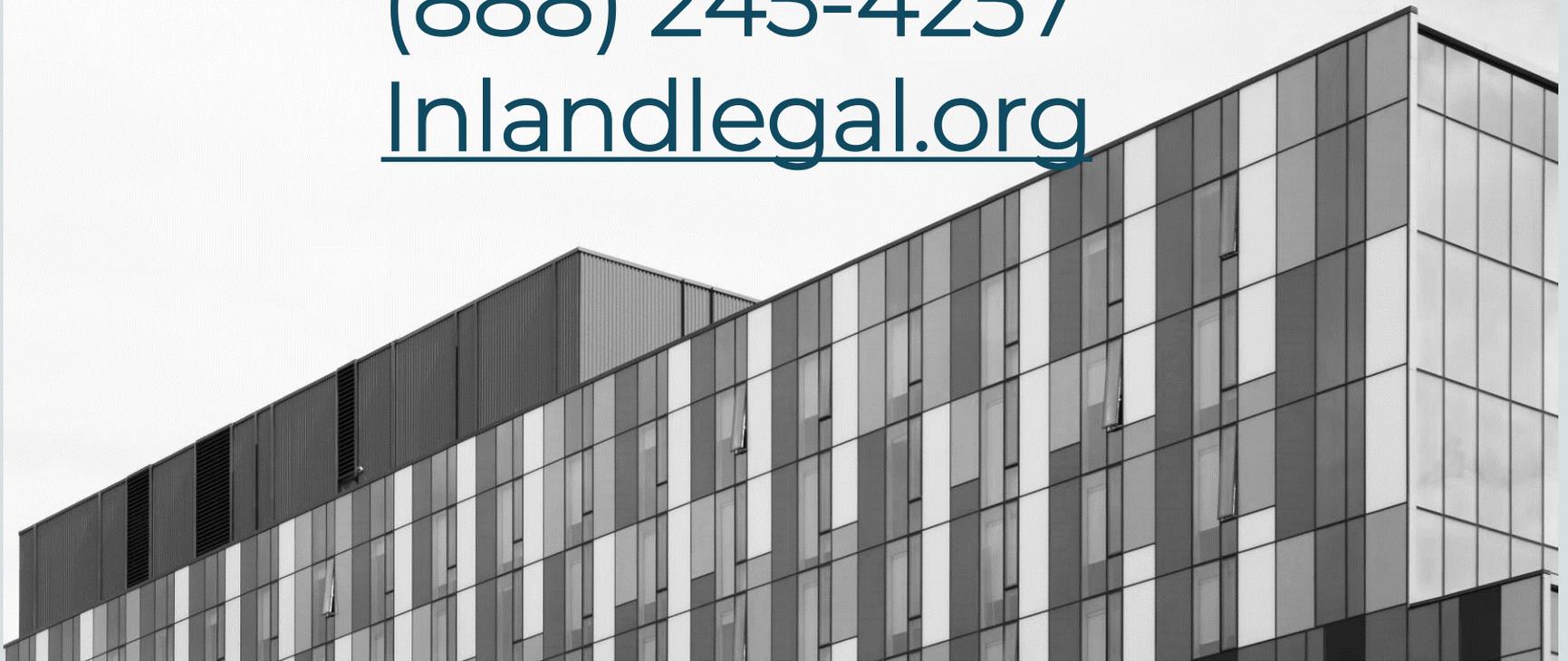
# Subsidized Housing

1. Advocacy to preserve tenants' subsidized housing (reduced rent).
  - a) Cases where the client has received a notice from their subsidized program (example. Section 8) that their subsidy will be terminated. Depending on what stage we are in we might be able to help with full representation.
2. Signing up for Subsidized Housing.

# Any Questions?

(888) 245-4257

[Inlandlegal.org](http://Inlandlegal.org)



 **INLAND COUNTIES  
LEGAL SERVICES**



# Fair Housing Training

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Fair Housing 101

# Mission Statement

❖ To provide comprehensive services which affirmatively address and promote fair housing (anti-discrimination) rights and further other housing opportunities for all persons without regard to race, color, religion, sex, national origin, familial status (i.e., presence of children), disability (handicap), marital status, ancestry, age, sexual orientation, source of income, gender identity, genetic information, gender expression, primary language, immigration status, citizenship, medical condition, or any other arbitrary factors.

# Proudly Serving the Communities of:

- **COUNTY OF RIVERSIDE**
- **CITY OF RIVERSIDE**
- **CITY OF MORENO VALLEY**
- **CITY OF CORONA**
- **CITY OF TEMECULA**
- **CITY OF PALM SPRINGS**
- **CITY OF PALM DESERT**
- **CITY OF PERRIS**
- **CITY OF HEMET**
- **CITY OF MENIFEE**
- **CITY OF JURUPA VALLEY**

# Office Locations

## ❖ Riverside

4164 Brockton Ave.

Riverside, CA 92502

(951) 682-6581 or (800) 655-1812

## ❖ Palm Springs

190 W Amado Rd.

Palm Springs, CA 92262

(760) 864-1541 or (800) 655-1541

## ❖ Moreno Valley

23890 Alessandro Blvd. Suite A1

Moreno Valley, CA 92553

(951) 653-831

## ❖ Corona - Thursdays 10 am – 1 pm

650 Main Street

Corona, CA 91720

(951) 371-6518

## ❖ Perris - (1st Wednesday of every Quarter)

100 N “D” Street

Perris, CA 92570

# Fair Housing Services



# Anti-Discrimination

- ❖ Receive and investigate housing discrimination complaints
- ❖ Resolve housing discrimination complaints by referral to an enforcement agency (HUD, DFEH), referral to an attorney, or through mediation
- ❖ Conduct workshops and seminars
- ❖ Disseminate written fair housing materials



# Landlord-Tenant

Receive, investigate, and mediate landlord-tenant disputes  
Counsel renters/owners regarding rights and responsibilities  
Conduct workshops and seminars  
Disseminate written landlord/tenant information



# Pre/Post Purchase Counseling Program

- ❖ First Time Home Buyer Seminars
- ❖ Pre-Purchase Counseling
- ❖ Loss Mitigation Counseling
- ❖ Credit Counseling



# Administrative Hearings

Conduct informal hearings for Public Housing Authority tenant grievance and Section 8 hearings



# Training and Technical Assistance

Conduct property management training workshops and seminars  
Serve on technical advisory boards and working groups



# Special Projects



*David Quezada, Rose Mayes, and Dr. John Husing*



*Chris Brancart and Kevin Stein*



*Dustin Luce, Kathy Michalak, Emilio Ramirez,  
and Carrie Harmon*



*Cecile Chalifour, Tim Smyth, and Scott Chang*

Community Partnerships  
Fund Raisers  
National Fair Housing Month  
Champions for Justice

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# I. Fair Housing Laws

# Origins of Fair and Equal Housing Laws

- ❖ The Civil Rights Act of 1866 passed after the Civil War stated all citizens had right to give evidence, to inherit, purchase, lease, sell, hold, and convey *real and personal property*
- ❖ The Housing Act of 1937 provided for subsidies to improve living conditions for low-income households. HUD monies were made available

- ❖ The Civil Rights Act of 1964 prohibits discrimination and segregation in public places on the basis of race, color, national origin, religion.
- ❖ This did not include a provision that addresses the issue of housing discrimination

# Federal Civil Rights Laws

Fair Housing Act  
1968

Fair Housing  
Amendments Act  
1988

Americans with  
Disabilities Act 1990

Rehabilitation Act of 1973  
("Section 504")

# Federal Housing Act 1968

- ❖ Congress passes the FHA (title VIII of Civil Rights Act) Prohibits discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex or national origin

# Fair Housing Amendments Act 1988

- ❖ Was passed to correct the inadequacies of the original act.  
(Fairness)
- ❖ Expanding the coverage of the Fair Housing Act to prohibit discrimination based on disability or on familial status  
(presence of children under age of 18, and pregnant woman)

# Americans with Disabilities Act 1990

- ❖ Prohibits discrimination against persons with disabilities. It is unlawful for a housing provider may not impose different application or criteria, rental fees or sales prices, and rental or sales terms or conditions than those required of or provided to persons who are not disabled.

# Rehabilitations Act of 1973 “section 504”

- ❖ Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by HUD or that receive financial assistance from HUD.

# Federal Protected Classes

## FEDERAL PROTECTED CLASSES

Race

Color

Religion

Sex

National  
Origin

Familial  
Status

Disability



# State Civil Rights Laws

Unruh Civil Rights Act of 1959

Fair Employment and  
Housing Act of 1963  
(Rumford Act)

State Civil Rights  
Laws

Ralph Civil Rights Act of 1978

California Civil Code; Sections  
54.1 and 54.3

# Unruh Civil Rights of 1959

- ❖ All persons are entitled to full and equal accommodations, advantages, facilities, privileges, or services including both private and public entities.
- ❖ Protects all persons against arbitrary and unreasonable discrimination on the basis of personal characteristics or traits.

# Fair Employment and Housing Act of 1963

❖ Also known as the *Rumford Act* is the state of California's primary law which prohibits discrimination in the sale, rental, lease negotiation, or financing of housing based on the protected classes .

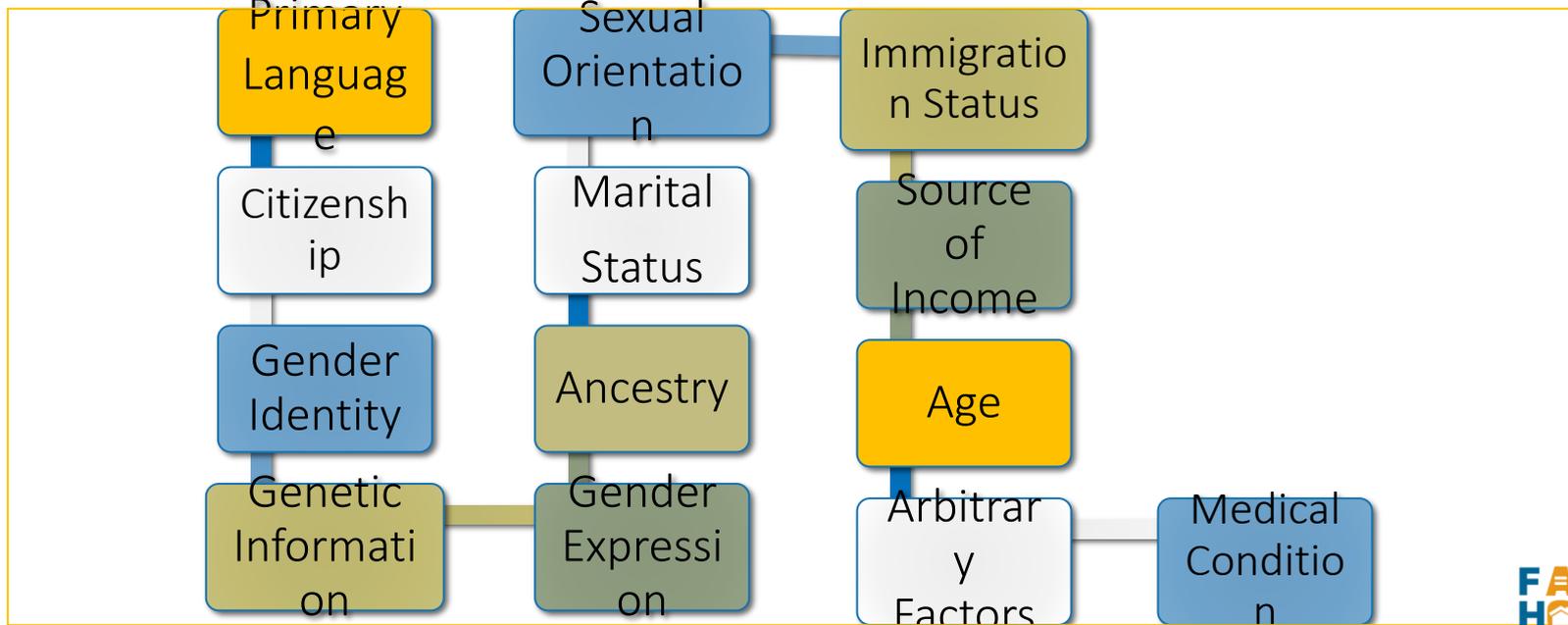
# Ralph Civil Rights Act of 1979

- ❖ California's Ralph Act provides freedom from all people within the jurisdiction of California from violence, intimidation by threat of violence, and other hate crimes committed against their persons or property because of their protected status.
- ❖ The Act prohibits violence or threats of violence in rental housing situations, including houses, apartments, hotels, boarding housing, and condominiums.

# California Civil Code (section 54.1 and 54.3)

- ❖ Specifically for persons with disabilities under section 54.1 of the California Civil Code a landlord of a rented property **cannot deny renting to a disabled person with a service dog.**
- ❖ **All persons within this state are free and equal, and no matter what their** race, color, religion, sex, national origin, familial status (i.e., presence of children), disability (handicap), marital status, ancestry, age, sexual orientation, source of income, gender identity, genetic information, gender expression, primary language, immigration status, citizenship, medical condition, or any other arbitrary factors.

# 13 State Additional Protected Classes



# Definitions and Examples

## II. DEFINITIONS OF PROTECTED CLASSES UNDER FEDERAL AND STATE LAW

# Race

- ❖ Refers to a family, tribe, or group of people coming from the same common ancestors. Race categories are: White/Caucasian, Black/African American, Asian, American Indian/Alaskan Native and Native Hawaiian/Pacific Islander. There are also mixed racial groups within these categories.
  
- ❖ **Example:** Discrimination against African- Americans by a White apartment manager



# Color

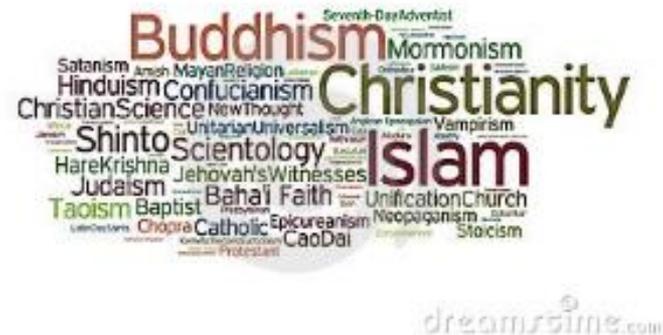
❖ Refers to the color of an individual's skin



❖ **Example:** Discrimination against dark-skinned African-Americans by light-skinned African-Americans.

# Religion

- ❖ Includes all aspects of religious belief, observance, and practice as well as religious dress and grooming practices.



- ❖ **Example:** Prohibiting non-Catholics (Muslim, Buddhist, etc.) from practicing their religion.

# Sex

In its simplest form, sex discrimination occurs when a housing provider treats men and women differently.

- ❖ It is illegal to discriminate on the basis of sex in the sale, rental, financing of dwellings, and in other housing-related transactions.

## Examples:

- ❖ Applying different terms and conditions of housing because of sex
- ❖ Denying a housing application, a dwelling, or evicting persons because of sex
- ❖ Steering or restricting persons to one area of a building or complex based on sex
- ❖ Housing advertisements stating that persons preferred or not wanted because of sex
- ❖ Refusing to rent to a person who resists the landlord's sexual advances or to make life difficult for a tenant who has resisted such advances



# National Origin

- ❖ Refers to the country in which a person was born, or from which the person's ancestors came.



- ❖ **Example:** Discrimination against a Puerto Rican by a Mexican property owner.

# Familial Status

- ❖ Refers to a situation where there is one or more persons under age 18 who reside with a parent, legal guardian, or an adult. This also applies in the case of pregnancy or for people who are in the process of gaining legal custody of a person under age 18.



- ❖ **Example:** Forcing families with children to live on the first floor.

# Disability

- ❖ This includes both physical and mental disabilities.
- ❖ A **disability** may be physical, cognitive, mental, sensory, emotional, developmental or some combination of these. Various types of chronic disease may also qualify as disabilities.
- ❖ An individual may also qualify as disabled if he/she has had an impairment in the past or is seen as disabled



- ❖ **Example:** Not allowing a disabled individual to have a service animal in his apartment.



# Sexual Orientation

- ❖ Refers to heterosexuality, homosexuality, and bisexuality.



- ❖ Example: Not renting to homosexuals.

# Immigration Status

- ❖ Persons who may not have been born in the United States or who are perceived to be immigrants.



- ❖ **Example:** asking for a green card to be shown before allowing someone to view an apartment.

# Primary Language

- ❖ Persons whose primary language is not English.



- ❖ **Example:** refusing to rent to persons whose primary language is other than English

# Marital Status

- ❖ Refers to being single, married, divorced, or widowed.

Married   
Single   
Other

- ❖ **Example:** Not allowing an unmarried couple to rent a one-bedroom apartment

# Source of Income

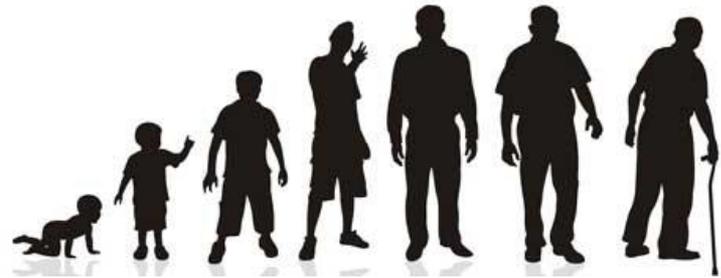
❖ Applies to lawful, verifiable income paid directly to the tenant.



❖ **Example:** Not renting to a person that receives social security benefits as his income.

# Age

- ❖ Refers to the length of time a person has existed



- ❖ **Example:** Not renting to people over a certain age (such as, over 30 years old).

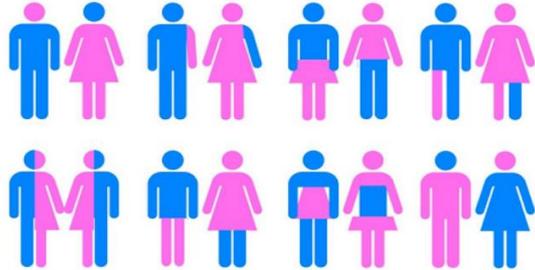
# Ancestry

- ❖ Refers to an individual's line of descent or lineage.
- ❖ **Example:** Discrimination against British people in America.



# Gender Expression

[flexible] gender identity



"which category do you identify/define yourself?"

Gender expression means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

- ❖ **Example of Gender Expression:** A man that dresses in woman's clothing.

# Gender Identity

Gender identity refers to one's internal, personal sense of being a man or a woman. Includes, but is not limited to, pregnancy, childbirth, or conditions related to pregnancy or childbirth.

- ❖ **Example of Gender Identity:** A person with a birth-assigned sex of male, but views himself as female.



# Citizenship

❖ Any person who is not a citizen or national of the United States.



❖ **Example:** inquiries about the person's place of birth.

# Arbitrary Factor

- ❖ Refers to a random choice or personal whim, rather than any reason or system.
- ❖ **Example:** Not renting to a person because he has tattoos and wears baggy pants.



# Medical Condition

- ❖ **Medical Condition**—Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer, or a genetic characteristic.



- ❖ **Example:** Refusing to rent to a person who has cancer.

# Housing Discrimination

## III. DISCRIMINATION IN GENERAL

# Differential Treatment

- ❖ Differential treatment is defined as a difference in treatment of any protected class when all other factors are similar

# III. Discrimination in General



# Illegal Acts of Discrimination continued

**Refusal to make reasonable accommodations in rules, policies, practices or services if necessary for a person with a disability to use the housing.**



**Threaten, coerce, intimidate, or interfere with anyone exercising a fair housing right or assisting others in the same.**



**Advertise or make any other type of statement which indicates a limitation or preference for purchasers or renters on the basis of their race, color, national origin, religion, sex, familial status, or disability, marital status, ancestry, age, source of income, sexual orientation or arbitrary factors.**

# Illegal Acts of Discrimination continued

## Steering

Discouraging from renting at a building.

Discouraging from renting by exaggerating drawbacks or failing to inform you about desirable features of the rental

Indicating that you wouldn't be comfortable or compatible with other tenants.

Trying to assign you to a certain floor or section of the building.

# Exceptions to Discrimination Law

- ❖ Refusing to rent or lease a portion of an owner-occupied single-family house to a person as a roomer or boarder living within the house is not discrimination, provided that no more than one roomer or boarder is to live within the house, and the owner does not discriminate in advertising.
- ❖ The use of words stating or tending to imply that the housing being advertised is available only to persons of one sex is not discrimination, but only where the sharing of living areas in a single dwelling unit is involved

# Fair Housing Topics

## IV. FAIR HOUSING TOPIC

# Smoking in Rental Properties

Medical Marijuana  
Tobacco



# WHAT DOES THE LAW SAY?

- ❖ The Fair Housing Act (FHA) bans discrimination in housing because of race, color, national origin, religion, sex, familial status, or handicap (disability).
- ❖ There is no “right” to smoke in a rental home, and smokers are not a protected sub-class under antidiscrimination laws, according to HUD.
- ❖ But that doesn’t mean that it’s okay to discriminate against smokers

The smoke-free rule was not intended to bar smokers from housing, or to require anyone who smokes to stop.

# WHAT DOES THE LAW SAY?

- ❖ In communities that don't regulate smoking, the most common fair housing complaints are from residents with disability-related problems with exposure to secondhand smoke.
- ❖ The Fair housing law bans discrimination based on disability, including refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy his home.

# WHAT DOES THE LAW SAY?

❖ To be entitled to a reasonable accommodation, the request must be made by or on behalf of an individual with a disability—that is, an individual with a physical or mental impairment that substantially limits one or more major life activities. In general, those provisions apply to residents with serious health problems that make them susceptible to the effects of secondhand smoke—not to nonsmokers who are simply annoyed by secondhand smoke.

**It may be obvious—if,**

❖ for example, the resident uses oxygen for breathing problems—but it may not, since the law is broad enough to cover a variety of impairments, including heart and lung conditions, that may not be obvious or apparent.

# WHAT DOES THE LAW SAY?

❖ The act of smoking itself is not a disability under the Americans with Disabilities Act (ADA), according to HUD, which is likely to see things the same way under fair housing law. Likewise, anyone claiming nicotine addiction as a disability would probably face an uphill battle under either the ADA or the FHA.

# Marijuana: Conflicting Federal, State Laws

❖ Until recently, the law on marijuana was pretty simple: It was illegal under both federal and state law. It still is, at least under federal law. The Controlled Substances Act classifies marijuana as a Schedule 1 controlled substance, which means that it's considered to have a high potential for dependency and has no accepted medical use. The manufacture, distribution, or possession of marijuana is a federal criminal offense, and it may not be legally prescribed by a physician for any reason under federal law.

# Marijuana: Conflicting Federal, State Laws

- ❖ Though marijuana is still illegal in many states, efforts to decriminalize marijuana—at least for medical use—have been gaining ground. At last count, 28 states and the District of Columbia have approved comprehensive medical marijuana laws.
- ❖ Though there are significant differences in these measures, most protect patients, their caregivers, and doctors from arrest or prosecution for possession, sale, or distribution of medical marijuana under state drug laws.
- ❖ Some also permit patients or their caretakers to grow a limited number of plants for medical use.

# Marijuana: Conflicting Federal, State Laws

❖ As far as the federal government is concerned, these state marijuana laws don't change the fact that using marijuana continues to be an offense under federal law. For the past several years, federal authorities have refrained from enforcing federal criminal laws against individuals using marijuana for medical purposes in states where it's legal, but it's too soon to tell whether this will change under the new administration.

# Marijuana: Conflicting Federal, State Laws

- ❖ Regardless of the law in your state, don't be confused. For the most part, these laws simply protect people from criminal prosecution under state law—they don't give anyone an absolute right to use marijuana on your property. Since marijuana is still illegal under federal law, landlords may enforce lease provisions or state laws banning use of the property for illegal purposes, including the use of illegal drugs.
- ❖ Since federal law prohibits all forms of marijuana use, the use of "medical marijuana" is illegal under federal law, even if it's permitted under state law.
- ❖ Since marijuana is still illegal under federal law, landlords may enforce lease provisions or state laws banning use of the property for illegal purposes, including the use of illegal drugs.

# Sexual Harassment



California law defines sexual harassment as :

- Verbal harassment
- Physical harassment
- Visual harassment
- Sexual favors

## Examples:

Name calling ,belittling, touching, requiring a person to wear sexually suggestive clothing, displaying sexual pictures, staring at a person's anatomy, continued request for dates, termination of tenancy if requested sexual favors are not given.

**I'VE HEARD ABOUT  
SEXUAL HARASSMENT  
AT WORK... BUT I DIDN'T EXPECT IT  
IN MY OWN APARTMENT.**

IF YOU FEEL A COMPLAINT WITH HUD  
is a landlord makes, employment sexual harassment  
or if he threatens you with eviction or refuses  
to make repairs because you deny him sexual  
favors, for to violating the Fair Housing Act  
Report sexual harassment and get a help to it.

**Fair Housing Is Your  
Right. Use It!**

Visit [hud.gov/fairhousing](http://hud.gov/fairhousing) or call the HUD hotline  
1-800-669-9777 (voice) or 1-800-927-9275 (TDD)

**NFHA**  
National Fair Housing Alliance

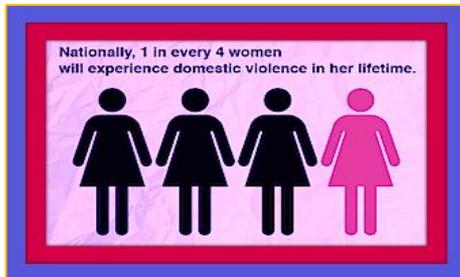
Equal Housing Opportunity Act of 1968, Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), 42 U.S.C. § 3601-3619, 24 C.F.R. § 8.1-8.4





# Victims of Domestic Violence

❖ Landlord refusing to accept women with a history of domestic violence because they may return to abusive men may violate the Fair Housing Act's prohibition against gender discrimination.



❖ A “zero-tolerance” policy for criminal activity, under which an entire household may be evicted for the criminal act of one household member, may have a disparate impact on women because they are the overwhelming majority of domestic violence victims.

❖ Evicting women for the violent acts of their abusers may violate the Fair Housing Act.

# Victims of Domestic Violence



❖ California extends special protections to tenants who are victims of domestic violence.

Here are some of the domestic violence (DV) laws that apply to tenants:

- ❖ Landlord entitled to proof of DV status
- ❖ Landlord cannot refuse to rent to the victim of DV
- ❖ Landlord cannot terminate a victim of DV
- ❖ Early termination right for DV victim
- ❖ DV is an affirmative defense to an eviction lawsuit
- ❖ DV victim has the right to have the locks changed within 24 hours
- ❖ Landlord by bifurcate the lease, which means that the landlord may evict the abuser, but not the victim of the domestic violence
- ❖ Landlord has limited right to evict the DV victim.



# CCP § 1161.3

## Eviction Defense for DV Victims

### ❖ Code of Civil Procedures CCP § 1161.3:

-Became effective 1/1/11

-Landlord cannot evict a tenant based upon an act of DV, sexual assault, or stalking committed against the tenant, **BUT:**

- Tenant must either have a restraining order or police report issued in the last 180 days, and
- Person named in the restraining order or police report “is not a tenant of the same dwelling unit” as the victim.

# Domestic Violence Eviction Exception

## CCP § 1161.3: Exception

❖ If tenant has already used the § 1161.3 eviction defense, landlord can still evict if:

- Either of the following apply:

- Tenant allows the perpetrator to visit the property,

**Or**

- landlord reasonably believes that the perpetrator poses a physical threat to other tenants or to the right to quiet possession

-Landlord must give at least 3 days' notice to the tenant to correct a violation of the above

# Reasonable Accommodation and Reasonable Modifications

V. REASONABLE ACCOMMODATIONS/MODIFICATIONS  
FOR PERSONS WITH A DISABILITY

# Federal Regulations

A physical or mental impairment that substantially limits one or more major life activities  
Under the Fair Housing Amendments Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, disability is defined as:

impairment that substantially limits one or more major life activities

A record of such impairment

Drug addiction (other than addiction caused by current illegal use of a controlled substance) and alcoholism (other than addiction caused by current use)

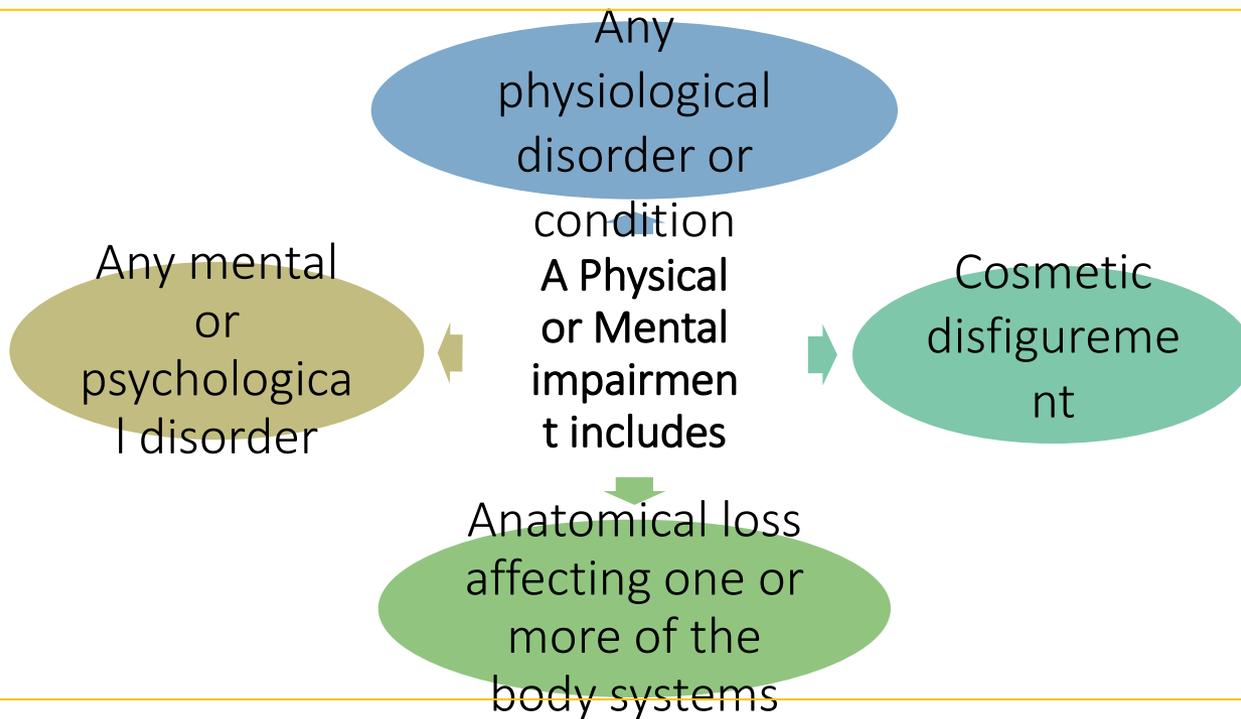
Being regarded as having such an impairment

# California Law

**Broader than federal law**

**Disabled if condition “limits” major life activities as opposed to “substantially limits” standard under federal law.**

# Physical or Mental Impairment



# Reasonable Accommodations

Reasonable accommodations must be made in the rules, policies, practices or services in order to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common space.

## Reasonable Accommodations can include, but are not limited to:

A change in rules or policies that would make it easier for a person with a disability to live in the property.

# Examples of Reasonable Accommodations

Allowing a resident to reside in a smoke-free environment

Allowing a tenant to end a lease without incurring a penalty for early termination

Changing the date that rent is due

Extending a resident's move-out date

Giving a resident the opportunity to correct minor lease violations

Allowing a tenant to have a co-signer

Providing a tenant an assigned parking space closer to their unit

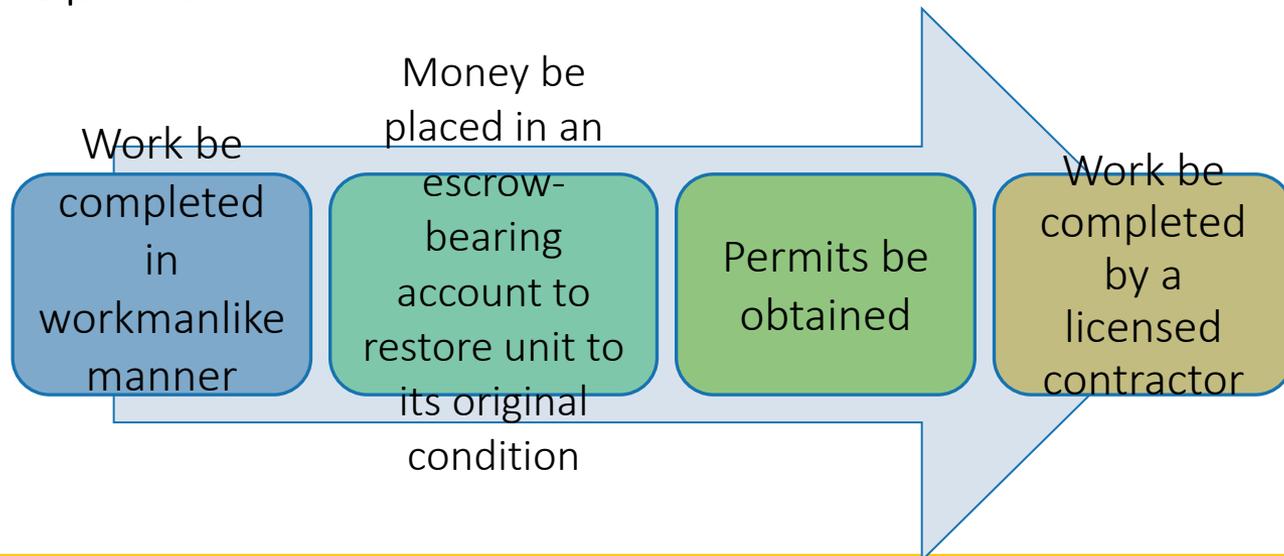
Making certain repairs in a unit to accommodate a resident

Allowing a tenant to move to a first floor unit and transfer the deposit to the new unit

# Reasonable Modifications

It is unlawful to refuse to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by a disabled person.

An owner can require that:



## Reasonable Modifications can include, but are not limited to:

A structural change or repair in an apartment or another part of the apartment complex that would make it easier for a person with a disability to reside there

Altering an apartment so that it can be used by a person in a wheelchair

Increasing the font size of typed documents for a reader with a visual impairment

# Requesting a Reasonable Accommodation or Modification

The

applicant is

A reasonable accommodation or modification can be requested at any time

The request can be made verbally or in writing



not required to use the words “reasonable accommodation” or “reasonable modification”

reasonable accommodation or modification request must be an interactive process

# Examples of Reasonable Modifications

Allowing the installation of a ramp at a condo unit where there are only stairs

Installation of Grab Bars in bathrooms

Installation of flashing smoke detectors and doorbell

Altering a residence so that it can be accessed and used by a person in a wheelchair, such as widening a door so one can get through it with their wheelchair.

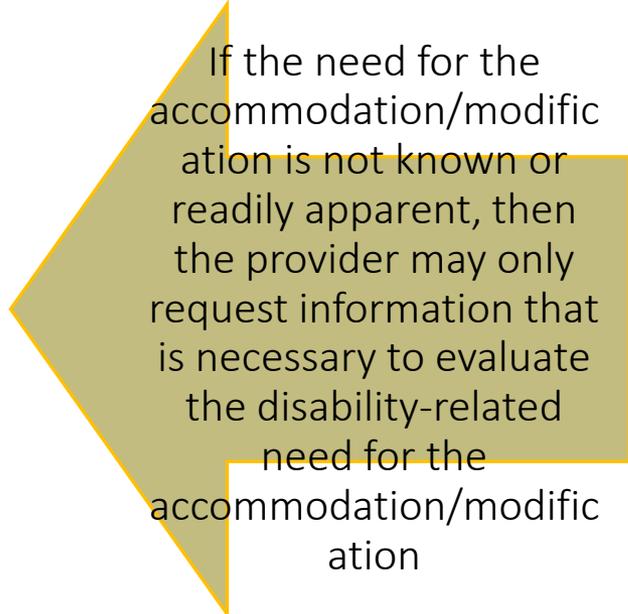
Modifying door knobs to levers for someone with mobility impairments

# Verification

There must be a verifiable disability involved in order for the household to qualify for a reasonable accommodation and/or modification



If the disability is not known or readily apparent, then the housing provider can request verification regarding the individual's disability and need for the accommodation/modification.



If the need for the accommodation/modification is not known or readily apparent, then the provider may only request information that is necessary to evaluate the disability-related need for the accommodation/modification.

# Verification, continued

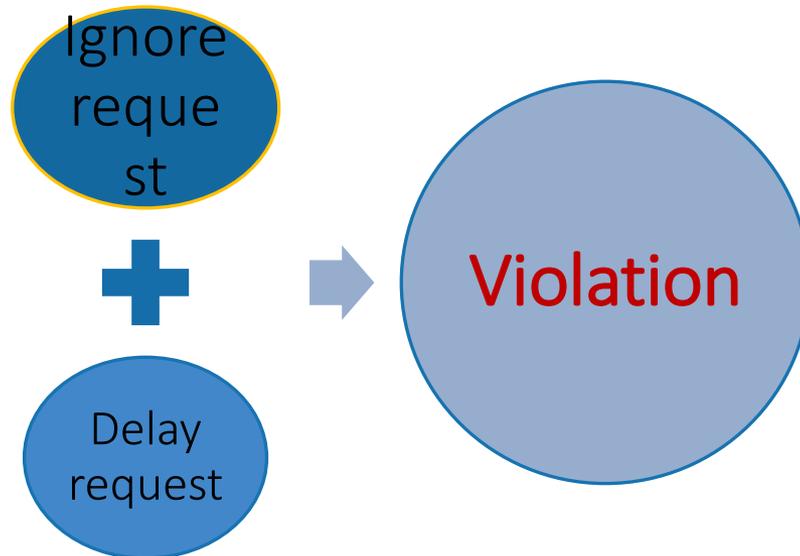
The verification can be made by a medical/social service professional that has the knowledge necessary to make a determination on the needs of the individual requesting the accommodation/modification.

In order to show that a requested accommodation/modification may be necessary, there must be an identifiable relationship (nexus) between the requested accommodation/modification and the individual's disability.

The individual with a disability does not have to reveal the specific nature or severity of the disability.

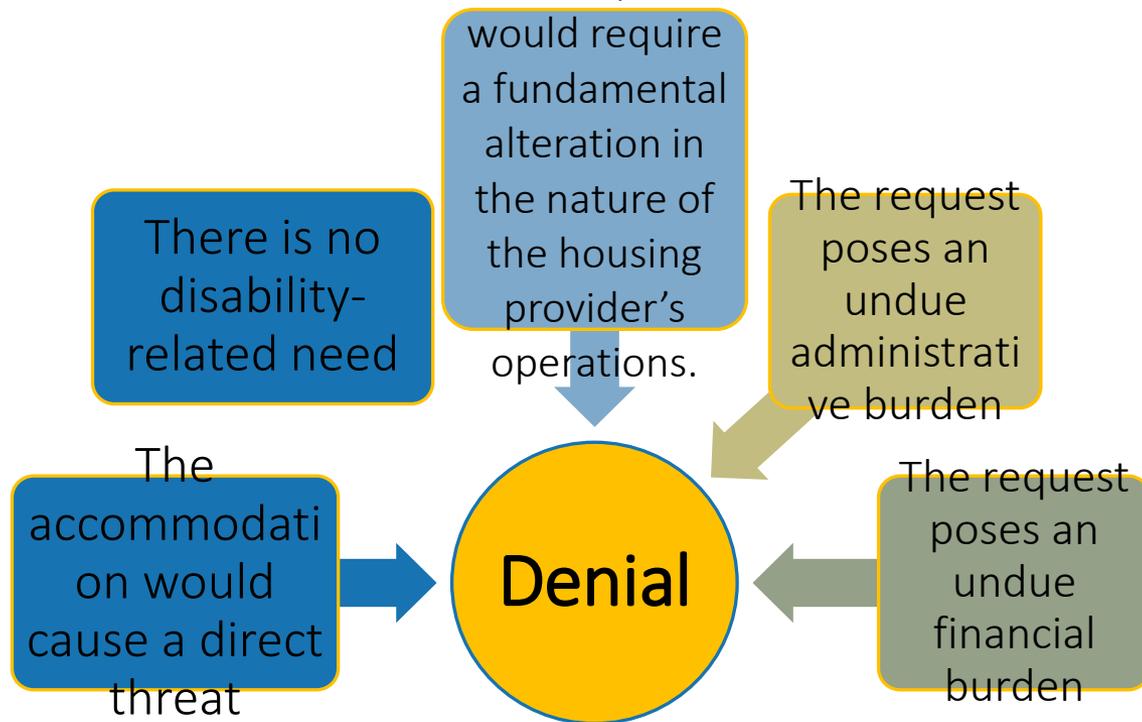
# Approving or Denying a Request

- ❖ A housing provider has an obligation to provide prompt responses to reasonable accommodation/modification requests. An undue delay in responding to a request may be deemed a failure to provide a reasonable accommodation/modification.



# Approving or Denying a Request, cont.

- ❖ A reasonable accommodation request may be denied if:

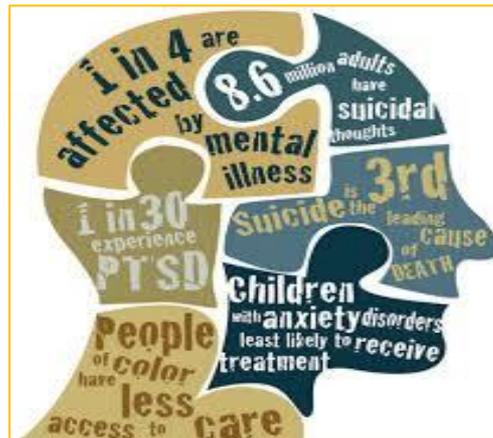


# What is a direct threat?

- ❖ The housing provider must have reliable, objective evidence that a person with a disability poses a direct threat before excluding him from housing on that basis.
- ❖ A determination that an individual poses a direct threat must rely on an individualized assessment that is based on reliable objective evidence (e.g., current conduct, or a recent history of overt acts).
  - ❖ **The assessment must consider:**
    - ❖ (1) the nature, duration, and severity of the risk of injury;
    - ❖ (2) the probability that injury will actually occur; and
    - ❖ (3) whether there are any reasonable accommodations that will eliminate the direct threat.

# Direct Threat - continued

- ❖ Consequently, in evaluating a recent history of overt acts, a provider must take into account whether the individual has received intervening treatment or medication that has eliminated the direct threat



# What is a undue financial or administrative burden?

- ❖ The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as;
  - ❖ the cost of the requested accommodation,
  - ❖ the financial resources of the provider,
  - ❖ the benefits that the accommodation would provide to the requester, and
  - ❖ the availability of alternative accommodations that would effectively meet the requester's disability-related needs.

# What does fundamental alteration mean?

A "fundamental alteration" is a modification that alters the essential nature of a provider's operations.

- ❖ Actions that would require substantial modifications to or the elimination of essential lease or program requirements;
- ❖ Actions that would require the owner to provide supportive services, e.g., counseling, medical, or social services that fall outside the scope of the services that the owner offers to tenants; and
- ❖ Actions that would require the owner to offer housing of a fundamentally different nature than the type of housing that the owner does offer.

# Approving or Denying a Request, cont.

❖ A housing provider *should refrain from asking* the following questions:

How severe is your disability?

Are you capable of living independently?

Do you take medication?

Do you have a disability?

Have you ever been hospitalized for a mental illness?

Why are you receiving SSD?

Can I see your medical records?

Have you ever been in drug or alcohol rehab?

# Important Note

- ❖ A disabled resident must still be able to meet essential obligations of tenancy – they must be able to:



But there is no requirement that they be able to do these things without assistance!!!

# Common Accommodation Requests

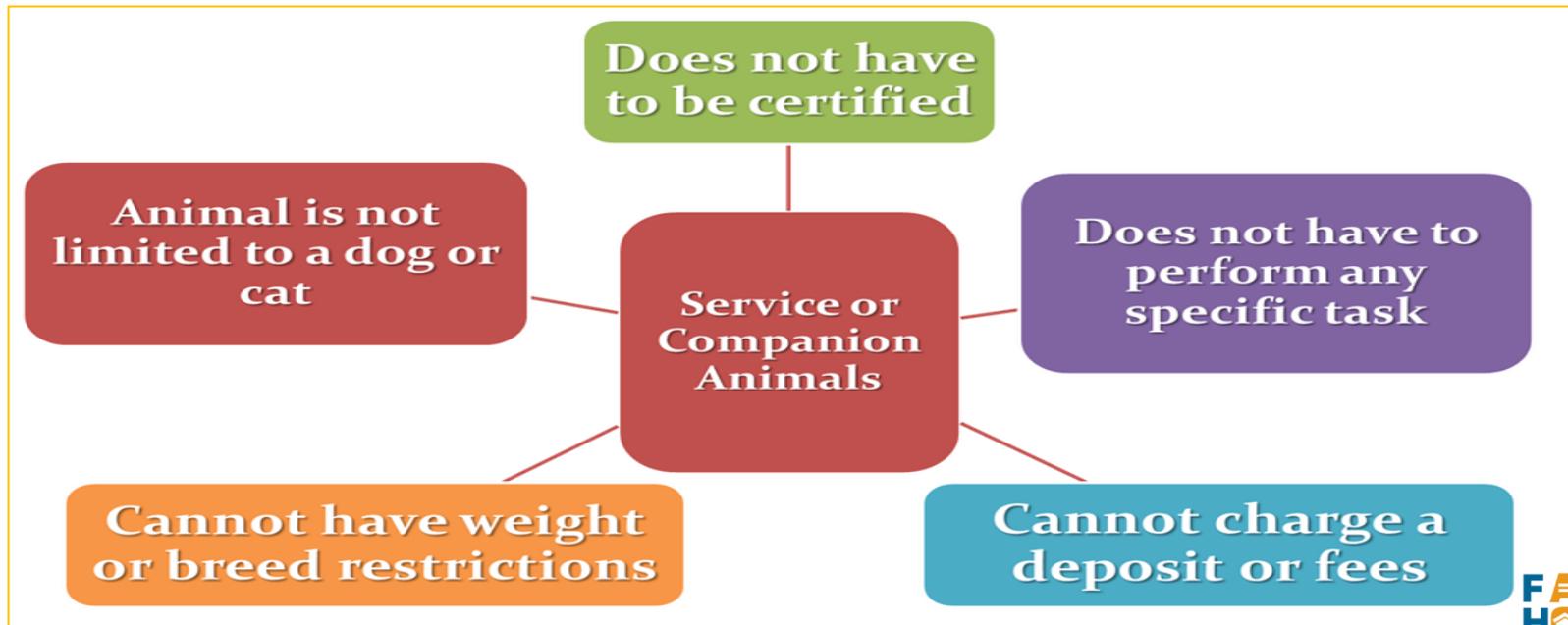


# Service Animals

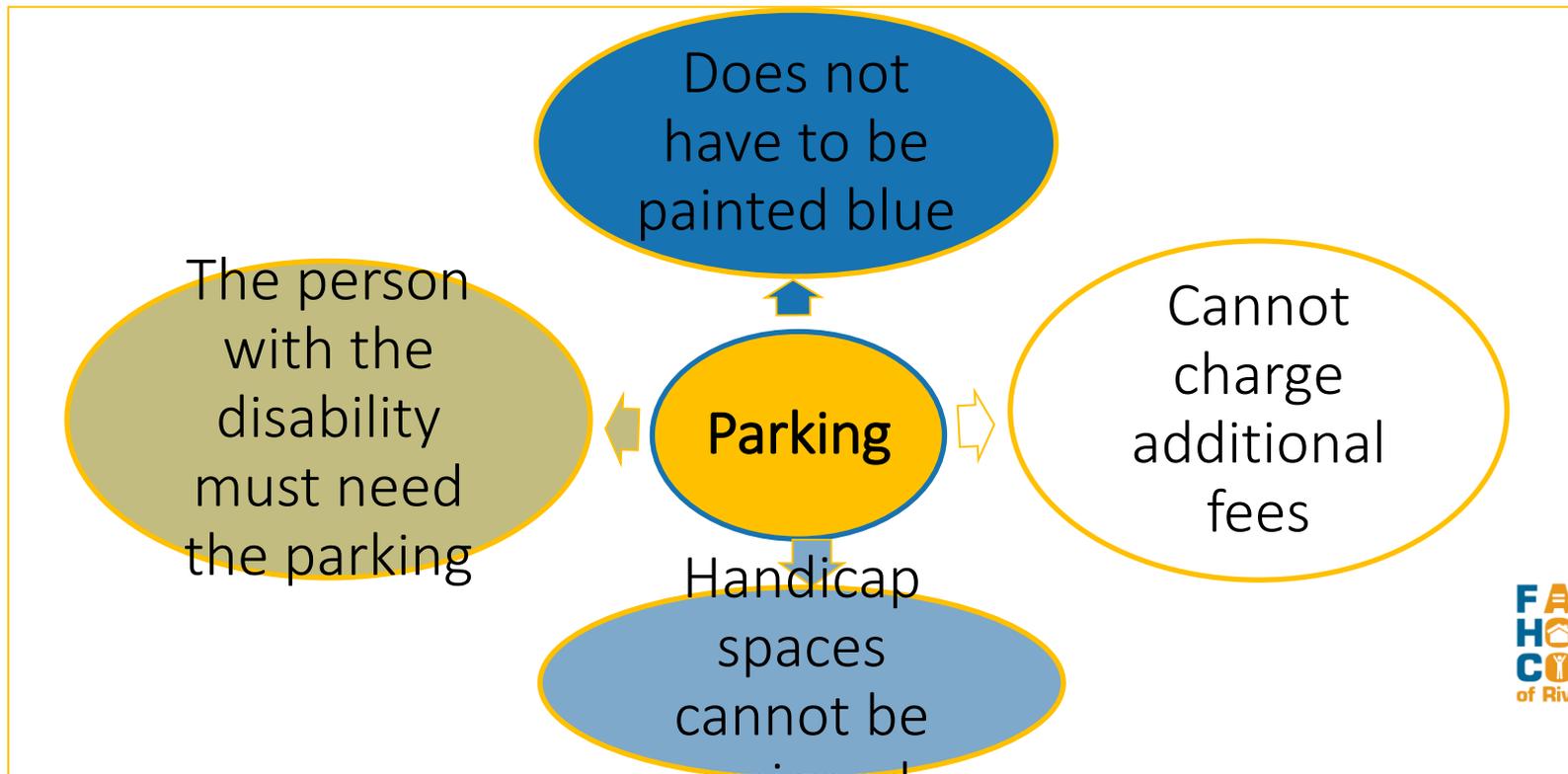
- ❖ Fair housing laws require housing providers to make reasonable accommodations by allowing a person with a disability to keep an animal, also known as:



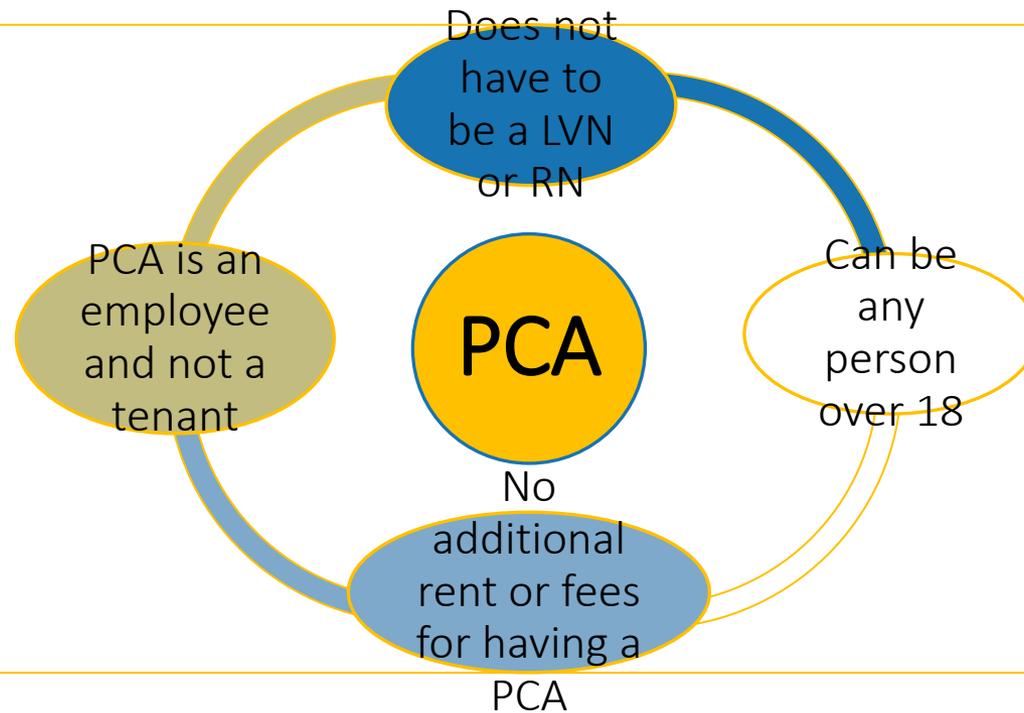
# Service/Companion Animals



# Parking Issues



# Personal Care Attendant



# Accessibility Requirements

SEVEN DESIGN AND CONSTRUCTION REQUIREMENTS

IT'S NOT EASY  
TO TURN OFF  
THE LIGHTS



IF YOU  
CAN'T  
REACH THE  
SWITCH



FOR MORE  
INFO VISIT

The Fair Housing Act requires that most multifamily dwellings built for first occupancy after March 1991 contain accessible light switches, outlets, thermostats, entrances and common areas, as well as usable kitchens and bathrooms. The Act also prohibits discrimination in housing based on disability, race, color, national origin, religion, sex and familial status.

Call the Fair Housing Council of Riverside County, Inc.  
951-682-6581 or **1-800-655-1812** (English/Español)  
1-800-735-2929 (TTY) Visit [www.fairhousing.net](http://www.fairhousing.net)



Fair Housing Is Your Right. Use It!



A public service message from the U.S. Department of Housing and Urban Development in partnership with the National Fair Housing Alliance. The National Fair Housing Act prohibits discrimination because of race, color, national origin, sex, disability and/or disability. For more information, visit [www.fhd.gov/fairhousing](http://www.fhd.gov/fairhousing).



# FAIR HOUSING ACT

The Act states that it is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence.

❖ Other covered activities include, for example, financing, zoning practices, new construction design, and advertising.

# Accessibility Requirements

The Fair Housing Act also requires that new multifamily housing with four or more units be designed and built to allow access for persons with disabilities. This includes accessible common use areas, doors that are wide enough for wheelchairs, kitchens and bathrooms that allow a person using a wheelchair to maneuver, and other adaptable features within the units.

**The Fair Housing Act require that all covered multi-family dwellings for first occupancy after March 13, 1991, with a building entrance on an accessible route shall be designed and constructed to meet the seven requirements and If the last building permit or renewal of a building permit was issued on or before June 15, 1990 with a building entrance on an accessible route shall be designed and constructed to meet the seven requirements.**

# Units Covered

Housing that is for rental or for sale and applies whether the housing is privately or publicly funded.

A single-family unit in buildings with four or more units

An apartment

A room in which people sleep even if they share kitchens and bathrooms, like transitional housing.

Condominiums, time-shares, dormitories, shelter used as a residence, student housing, assisted living and others.

# Units Not Covered under the requirements

Detached single family houses

Duplexes or triplexes

Multistory townhouses

NOTE: multistory townhouses with elevators must comply

# Seven Design and Construction Requirements

Accessible Entrance on an Accessible Route

Accessible Public and Common-Use Areas

Usable Doors

Accessible Routes Into and Through the Dwelling Unit

Accessible Light Switches, Electrical Outlets, and Environmental Controls

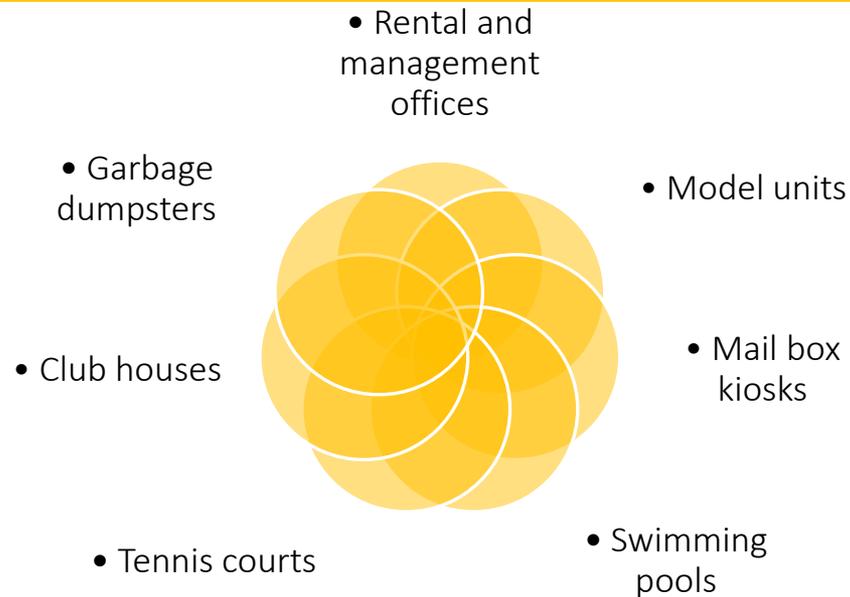
Reinforced Walls in Bathroom

Usable Kitchens and Bathrooms

# ACCESSIBLE BUILDING ENTRANCE on an ACCESSIBLE ROUTE

- ❖ If separate entrances for ground-floor units, each entrance must be accessible.
- ❖ If common entrances to a multi-unit building, at least one entrance-typically used by residents for entering the building-must be accessible.
- ❖ An accessible entrance must be located on a route that a person in a wheelchair can easily travel, leading to and from meaningful locations; e.g., parking, public transportation, other buildings in the complex, amenities such as laundry room, recreational facilities.
  - ❖ Refer to ANSI, Section 4.3

# Accessible public and common use areas



# USABLE DOORS WITHIN A DWELLING

## Usable Hardware

Doors must be wide enough to enable a person in a wheelchair to maneuver through them easily.

Included are public and common-use doors leading into an individual dwelling unit and all outdoors within the dwelling itself.

Doors must have a minimum clear opening width of 32"

(measure from face of door to the stop, with door open 90 degrees).

All types of doors are covered: hinged doors, sliding doors, folding doors.

Doors leading to any outdoor amenities. If the dwelling has a balcony, patio or deck they are covered. If a deck or patio has doorways leading into two or more separate rooms all these doors must be usable.

# ACCESSIBLE ROUTE INTO and THROUGH the UNIT

Thresholds of unit's exterior doors may not exceed  $\frac{3}{4}$ " (also applies to sliding door tracks).



In single-story units, changes in height of  $\frac{1}{4}$ " to  $\frac{1}{2}$ " must be ramped or have other means of access.



Minimum clear width for accessible route inside the unit is 36".



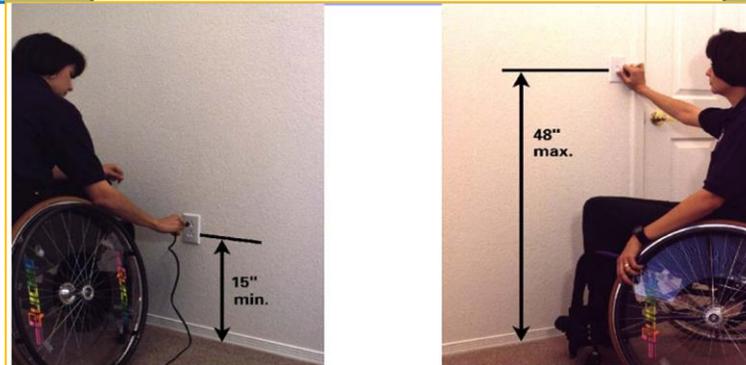
Hallways, passages, and corridors must be wide enough to allow room to maneuver a wheelchair throughout the unit.



# Outlet, thermostat control, light switches and other environmental control in accessible locations

Operable parts of controls must be no lower than 15" and no higher than 48".

Switches, outlets, thermostats, and other controls must be accessible to people in wheelchairs.



# REINFORCED WALLS for GRAB BARS

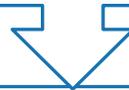
Walls in bathroom must be reinforced so that grab bars near toilet, tub, shower, and shower seat, if provided, can be added later.

# USABLE KITCHENS and BATHROOMS

A minimum of 40" of clear floor space is required in kitchens to allow a person in a wheelchair to maneuver between adjoining base cabinets, countertops, appliances, or walls.



A U-shaped design requires a minimum of 5' in diameter clear space, or removable cabinets at the base of the "U".



Appliances must be located so they can be used by a person in a wheelchair. A 30"X48" clear floor space is required for a parallel or forward approach.

# Usable kitchens and bathrooms

HUD Guidelines provides two sets of specifications for usable bathrooms: Option A and Option B.

With option A, all bathrooms must include a basic degree of maneuverability to meet Option A requirements.

With option B, only 1 bathroom must meet Option B requirements, which provide for a stricter degree of maneuverability for bathrooms.

Bathrooms require usable doors, reinforced walls, switches/outlets in accessible locations, and must be on an accessible route.

# Common violations

High thresholds.

Outlets are placed too low or switches are placed too high.

Reinforcing is not placed in walls during construction.

Kitchen and bathrooms do not have a 30" x 40" clear floor space.

# ADVERTISING REQUIREMENTS

## VI. ADVERTISEMENTS

# Federal Laws

## Posting of Advertisement

❖ **Advertising:** Title VII of the Civil Rights Act of 1964

Advertising: Title VII of the Civil Rights Act of 1964.

Unlawful to make, print  
or publish any notice,  
statement or  
advertisement.

Sale or rental of a  
dwelling that indicates any  
preference, limitation or  
discrimination based of  
any of the protected  
classes.

# State Laws when posting Advertisement

**California (Anti-discrimination Provision),  
Government Code Section 12955(c) part of the  
Fair Employment and Housing Act 1963.**

**Unlawful for any person to make, print, or  
publish any notice statement, or advertisement  
to indicate preference or discrimination of any  
person.**

# Discrimination in Advertising

Indicating  
discriminatory  
requirements

## Discrimination in Advertising

requirements. **Example:**  
*Must be gainfully employed to apply or*

Indicating a limitation to certain groups.

**Example:**  
*Singles only or Professionals only*

Indicating that the property does not have a play area or is not wheelchair accessible.

Advertising a preference for a specific group.  
**Example:**  
*Christians preferred or Senior preferred\**

Selective use of human models when conducting an advertising campaign.  
**Example:** *using only Caucasian Models in an ad*

*U.S. citizen to apply\**

# Discrimination in Advertising

Fair Housing Laws indicate it is unlawful to make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement, with respect to the sale or rental of a dwelling, that indicates any preference, limitation, or discrimination because of:

- 🏠 **Primary Language**
- 🏠 **Immigration Status**
- 🏠 **Sex**
- 🏠 **Citizenship**
- 🏠 **Source of Income**
- 🏠 **National Origin**
- 🏠 **Gender Identity**
- 🏠 **Age**
- 🏠 **Familial Status**
- 🏠 **Gender Expression**
- 🏠 **Arbitrary Factors**
- 🏠 **Disability**
- 🏠 **Ancestry**
- 🏠 **Race**
- 🏠 **Genetic Information**
- 🏠 **Marital Status**
- 🏠 **Color**
- 🏠 **Sexual Orientation**
- 🏠 **Religion**

# Senior Exempt Housing Advertisement

**Housing provided under STATE or FEDERAL PROGRAMS, specifically designed and operated to assist elderly persons, defined as a STATE or FEDERAL PROGRAM.**



**Mobile Home Parks and Housing that meets standards for "OLDER PERSONS"**



**62+ SENIOR EXEMPT**

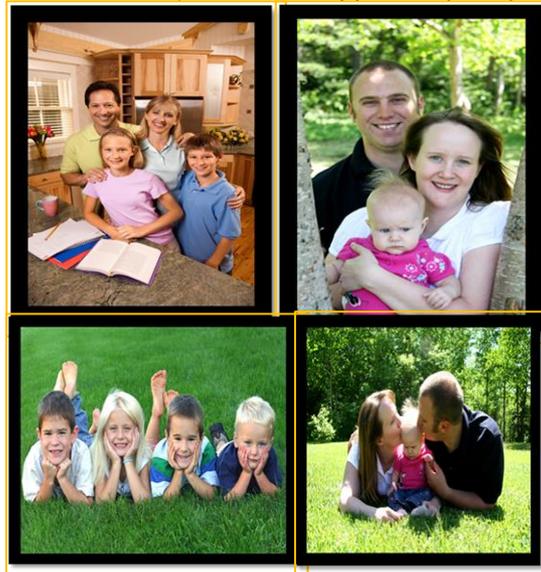
# COMMON VIOLATIONS FOUND

- ❖ Adult Community
- ❖ Must be gainfully employed to apply
- ❖ Must be a U.S. citizen to apply
- ❖ Student or senior discounts
- ❖ Singles only
- ❖ Must Speak and understand English



# COMMON VIOLATIONS FOUND

- ❖ Using only one race of human models in advertisements or website.
- ❖ Advertise the property and the amenities, not the type of people you want living in the community



# Best Practices when using Human Models

- ❖ Use more diverse models
- ❖ Different age groups, races, abilities, national origins, etc.



# POSSIBLE DISCRIMINATION

- ❖ Active Senior Living
- ❖ No Pets or animals allowed\*\*\*
- ❖ Professionals only
- ❖ No Playground or play area.
- ❖ We do not speak Spanish
- ❖ Not handicap accessible.



# Not considered discriminatory

- ❖ Female preferred \*\*\*
- ❖ Male preferred\*\*\*
- ❖ Senior Housing 55+ or 62+



# Marketing Practices

- ❖ Never state that a type of group or person is “preferred”
- ❖ Do not advertise church, club, institutional, or ethnic affiliations
- ❖ Use advertising mediums reaching a broad audience. The use of advertising mediums catering to a select group may be considered discriminatory.

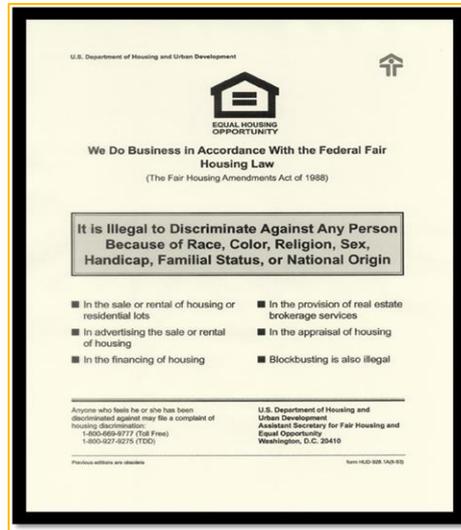
# USE OF LOGO FOR THE ADVERTISEMENT



Equal Housing Opportunity

# Fair Housing Poster/Equal Housing Opportunity Logo

- ❖ Poster is not displayed or is not visible
- ❖ Printed materials do not display the logo or have the equal housing opportunity slogan



# Questions



## Riverside Office

Riverside, CA 92501  
(951) 682-6581 or Toll free 800-655-1812  
(951) 682-0262 (fax)  
Website: [www.fairhousing.net](http://www.fairhousing.net)

# Questions & Comments

Next Webinar: July 21st 2022