

**Eden Council for Hope &
Opportunity (ECHO) presents:**

Fair Housing - It's a Right!

The Goals of ECHO

- ▶ To eliminate discrimination in housing by educating Property Owners and Managers;
- ▶ To provide information and counseling to Tenants and other stakeholders regarding fair housing laws;
- ▶ To answer questions about Fair Housing to the Public at Large.

FAIR HOUSING

What is Fair Housing?

- ▶ Fair Housing is the right that all people have to live in any type of housing they choose free from discrimination.

Protected Classes

- ▶ Anyone may make a complaint of housing discrimination if they feel that they have been treated unfairly because of their **protected class**.

Federal Fair Housing

Under Federal laws, the protected classes are:

- ▶ **Race**
- ▶ **Color**
- ▶ **Religion**
- ▶ **National Origin**
- ▶ **Sex** (gender, identity, harassment)
- ▶ **Disability** (reasonable accommodation, reasonable modification)
- ▶ **Familial Status** (presence of children)

California Fair Housing

In California, the protected classes are:

- ▶ **Marital Status**
- ▶ **Source of Income**
- ▶ **Ancestry**
- ▶ **Sexual Orientation**

California law also protects people against arbitrary discrimination based on protected classes such as **age** or **occupation**.

So...what does this mean for Property Owners and Managers ?

It is up to Housing Providers to make sure that everyone has equal access to all housing opportunities.

They may request the following information from prospective Tenants:

- ▶ Bank Account Information
- ▶ Rental History
- ▶ Income Verification
- ▶ Credit Checks
- ▶ Personal References
- ▶ Income Guidelines

Unfair Housing Practices

- ▶ Indicating a preference for any class of people in advertising may be considered discriminatory.

ACCEPTABLE

- “Desirable neighborhood”
- “Merry Christmas”
- “Quiet complex”
- “Fourth floor walk-up”

DISCRIMINATORY

- “White neighborhood”
- “Christian home”
- “No children”
- “No wheelchairs”

Unfair Housing Practices

- ▶ Making false representations including, but not limited to, unit availability, the number of units, and rental or deposit amounts, may be considered discriminatory.

All prospective Tenants should receive the same information.

Unfair Housing Practices

- ▶ Overly restrictive occupancy standards may be considered illegal.

1 bedroom	3 people
2 bedroom	5 people
3 bedroom	7 people

General guideline: 2 per bedroom plus 1

Unfair Housing Practices

- ▶ It may be considered a violation of fair housing law if a Housing Provider assesses “surcharges” to a Tenant, particularly if the surcharge is not assessed “across the board”.
- ▶ A Housing Provider may be considered in violation of fair housing laws if he or she quotes different terms and conditions, or limits access to facilities to some Tenants and not others.
- ▶ It is illegal for a Housing Provider to retaliate against a Tenant for asserting his or her rights under the law.

Question

- ▶ Can a Housing Provider advertise for senior housing because he wants seniors to occupy the building?

Answer

- ▶ Unless the property meets the strict guidelines necessary to be designated for senior housing, a Housing Provider may not state “no children”, “adults only” or “mature adults” in ads.

Question

- ▶ Can a Housing Provider require that prospective Tenants have a job or prove how long they have been on the job?

Answer

- ▶ No. As long as prospective Tenants can demonstrate that they have sufficient income, they should be considered for tenancy. It is unlawful to deny someone a housing opportunity because they receive welfare, disability income, or any other legal income.

Question

- ▶ Can a Housing Provider set a minimum income requirement?

Answer

- ▶ Yes. As long as their policies are applied equally and uniformly, they may select residents on the basis of their ability to pay the rent.

Remember, **marital status** is protected so they must treat all non-married roommates the same way they treat married couples.

Question

- ▶ What if a Housing Provider has a “no pets” policy or wants to charge a pet deposit from someone who has an animal because they have a disability?

Answer

- ▶ A Housing Provider must allow a person with a disability to live with an animal if they need that animal for help with day-to-day living.
- ▶ A Housing Provider may not charge a pet deposit for a service animal.

Answer

- ▶ People with disabilities have the right to request changes in rules so they can have equal access to any housing opportunity.

This is called a “reasonable accommodation”.

- ▶ People with disabilities may also ask to make physical changes to their unit so they may have equal access.

This is called a “reasonable modification”. Their requests must be reasonable, and they may have to provide a letter from a professional that says they need what they are asking for because of their disability.

Selecting Tenants

- ▶ Remember, children are protected under the familial status provision.
- ▶ Families with children have the right to live anywhere they choose, even on upper floors in units with balconies.

Parents have the right to live wherever they choose and they also have the responsibility to supervise their children.

Question

- ▶ How many people should a Housing Provider allow in a unit?

Answer

- ▶ Housing Providers should permit a reasonable number of people to live in a unit.
- ▶ General guideline: 2 per bedroom plus 1

1 bedroom	3 people
2 bedroom	5 people
3 bedroom	7 people

During the Tenancy

- ▶ Housing Providers must apply all the rules to everyone equally.
- ▶ Housing Providers must offer all amenities to everyone equally.
- ▶ It's a good idea to have all the rules in writing and give a copy to all Tenants.

During the Tenancy

- ▶ A resident's lifestyle and habits are a personal matter as long as the resident conforms to the terms of the rental agreement.
- ▶ It is unlawful to intimidate, coerce, threaten, or harass a Tenant because they are a member of a protected class.
- ▶ If a Housing Provider is having problems with a Tenant, he or she should document problems and must give proper notices.

Ending the Tenancy

- ▶ It is unlawful to evict Tenants or ask Tenants to move because they or their guests are members of a protected class.
- ▶ It is unlawful to retaliate against a Tenant for asserting his or her legal rights.
- ▶ This includes intimidating, threatening, harassing, or evicting a Tenant because they made a fair housing complaint.

Fair Housing's Top 10

- ▶ The Top 10 things to remember to comply with Fair Housing:

Top 10

10. Fair Housing laws are designed to protect people against unfair treatment in housing based on their protected class.

Top 10

9. Housing Providers must be careful when advertising.

Top 10

8. Prospective Tenants should all be given and asked the same information.

Top 10

7. Prospective Tenants have the right to decide where they want to live.

Top 10

6. People with disabilities have the right to request reasonable accommodations and modifications.

Top 10

5. During the tenancy, rules must be applied to everyone equally. Families with children are protected.

Top 10

4. There is no law that dictates minimum occupancy standards, but a good rule of thumb is the 2 plus 1 guideline.

Top 10

3. As long as a resident conforms to the terms of the rental agreement, his or her lifestyle and habits are a personal matter.

Top 10

2. Tenants and Housing Providers should document everything for their own protection!

Top 10

1. If callers or clients have fair housing questions or concerns, refer them to ECHO Housing!

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