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HOUSING RIGHTS WORKSHOP

Conducted by

Ricardo Barajas

Director of Media, Outreach & Education

For the:

Los Angeles Law Library's,
Public Legal Services Fair



HOUSING RIGHTS CENTER

WORKING FOR JUSTICE AND EQUALITY IN HOUSING

- Nation's largest non-profit civil rights organization dedicated to *securing and promoting* fair housing
- HRC was founded in 1968, the same year Congress passed the **Fair Housing Act**
- Over the past ten years, HRC has assisted more than 250,000 residents
- Languages: English, Spanish, Korean, Mandarin, Cantonese, Cambodian, Vietnamese, Armenian, Russian and American Sign Language (ASL)

PROGRAMS & SERVICES

Counseling & Outreach



Landlord-Tenant
Counseling



Outreach &
Public Education



Free Monthly Rental
Listing

Fair Housing Enforcement



Discrimination
Complaint
Investigation



Litigation &
Advocacy

FEDERAL ANTI-HOUSING DISCRIMINATION LAWS

1866

First Civil Rights
Act



1964

Title VI of the Civil
Rights Act of 1964



1968

Federal Fair
Housing Act
(FHA)



1988

Fair Housing
Amendment Act
(FHAA)



1975

Age
Discrimination Act



1973

Section 504 of
the
Rehabilitation
Act

FAIR HOUSING ACT

- Race
 - Color
 - Religion
 - Refusal to Rent
 - Selective Advertisements
 - Different Terms/Treatment - Holiday Decorations
- Sex:
 - Gender
 - Sexual Harassment
 - Quid Pro Quo
 - Creating a Hostile Living Environment
 - Physical, Verbal, and/or Visual Harassment
 - Perception vs. Intent
- National Origin
 - Monolingual Non-English Ads & Signs
- Familial Status
 - Restrictive House Rules
 - Steering
 - Occupancy Limits: 2 + 1 Guideline
- Disability: Mental and/or Physical
 - Reasonable Accommodations – Changes to policies
 - Reasonable Modifications – Structural changes



CALIFORNIA ANTI-HOUSING DISCRIMINATION LAWS

1959

Unruh Civil
Rights Act



1963

Rumford Fair
Housing Act

- 1964 Proposition 14
- 1967 *Reitman v. Mulkey*
(U.S. Supreme Court)



1968

Disabled Persons
Act



1994

Made substantially
equivalent with
Federal Fair Housing
Laws



1980

Fair Housing &
Employment Act
(FEHA)

CALIFORNIA FAIR EMPLOYMENT & HOUSING ACT

IN ADDITION TO FHA (FEDERAL) PROTECTED CLASSES

- Marital Status
- Ancestry
- Sexual Orientation
- Source of Income – Section 8 (01/01/20)
- Gender Identity/Expression
- Genetic Information
- Medical Condition



OTHER CALIFORNIA LAWS PROHIBIT DISCRIMINATION

- Domestic Violence
- Immigration/Citizenship Status
- Primary Language
- Arbitrary Reasons
- Age
- Veteran Status

LAW PROHIBITING HATE CRIMES

- Ralph Act: Freedom from Violence or Intimidation

FAIR HOUSING LAWS APPLY TO:

HOUSING TRANSACTIONS

- ✓ Renting
- ✓ Buying
- ✓ Lending
- ✓ Prospective home seekers

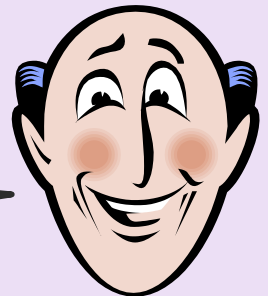
RESIDENTIAL DWELLINGS

- ✓ Apartments
- ✓ Condos
- ✓ Houses
- ✓ Duplexes
- ✓ Residential Motels
- ✓ Transitional Shelters
- ✓ Mobilehome Parks
- ✓ Vacant Lots

PROHIBITED PRACTICES

1. Refusal to sell or rent housing
2. Refusal to negotiate for the sale or rental of housing
3. Saying that housing is unavailable when it actually is available
4. Applying different terms or rules
5. Refusal to grant a reasonable accommodation and/or modification for a person with a disability.
6. Discrimination based on association
7. Threats, intimidation, harassment
8. Steering
9. Discriminatory statements or advertising
10. Otherwise making housing unavailable

Sorry, nothing is available.



COMMON REASONABLE ACCOMMODATIONS & MODIFICATIONS

ACCOMMODATIONS

- ✓ Changing rent due date
- ✓ Service and companion/therapy animals
- ✓ Parking space
- ✓ Transfer units
- ✓ Ending tenancy early or extending vacate date
- ✓ Live-in caregivers
- ✓ Repair elevator in operable condition
- ✓ Rescind notice to terminate tenancy/dismiss UD

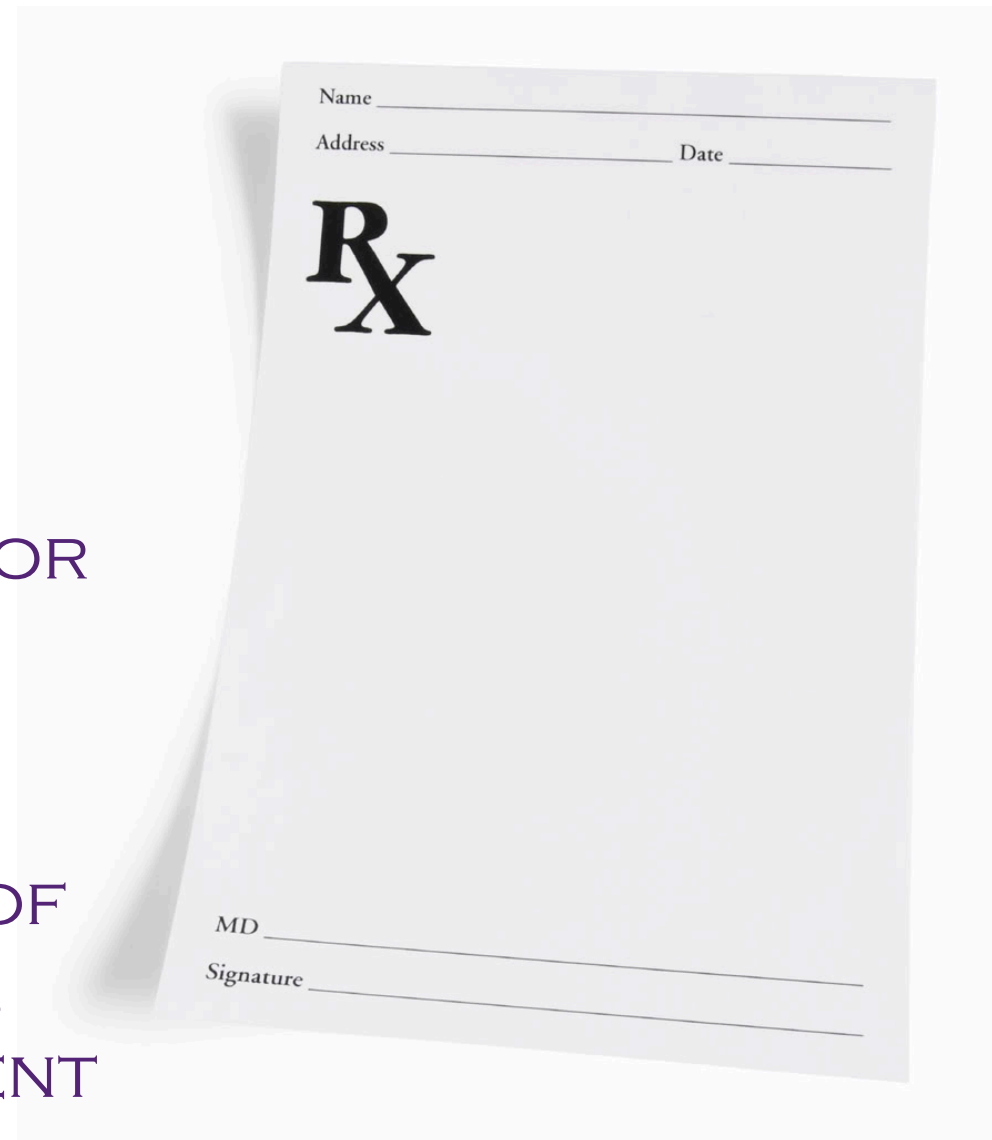
MODIFICATIONS

- ✓ Wheelchair ramp
- ✓ Grab bars in bathroom
- ✓ Lowering countertops
- ✓ Carpet removal



A TENANT MUST BE
PREPARED TO SHOW
PROOF THAT AN
ACCOMMODATION OR
MODIFICATION IS
MEDICALLY NECESSARY

A LETTER FROM A DOCTOR
OR A THERAPIST IS THE
BEST
FORM OF PROOF BUT
OTHER OFFERS OF PROOF
MAY BE SUFFICIENT (E.G,
CAREGIVER'S ASSESSMENT
OF NEED).



DISABILITY ACCOMMODATIONS & MODIFICATIONS

NECESSARY

REASONABLE

GRANTED

```
graph TD; A[NECESSARY] --> C[GRANTED]; B[REASONABLE] --> C;
```

The diagram consists of three rounded rectangular boxes. At the top left is a purple box with the word 'NECESSARY' in white, bold, uppercase letters. At the top right is a purple box with the word 'REASONABLE' in white, bold, uppercase letters. In the center, below these two, is a white box with a purple border containing the word 'GRANTED' in purple, bold, uppercase letters, which is underlined. A thick purple arrow points from the 'NECESSARY' box down and then right to the 'GRANTED' box. Another thick purple arrow points from the 'REASONABLE' box down and then left to the 'GRANTED' box.

ALLOWABLE TENANT SELECTION CRITERIA:

- ✓ Income Level
- ✓ Credit Scores
- ✓ References from previous landlords
- ✓ Smoking Status
- ✓ Pets

SOURCE OF INCOME / SECTION 8

- LA City adopted a new law on June 6, 2019 adding Article 5.6.1 to Chapter IV of the LAMC to protect affordable housing opportunities for persons using rental assistance and other sources of income, such as Section 8 vouchers, as payment for rent.
- The new law goes into effect on **January 1, 2020.**

▪ **Q: What is Source of Income?**

▪ **A:** Any lawful source of income, rental assistance, subsidy, or financial aid from any person, including but not limited to a federal, state or local government, or non-profit or charitable agency, whether paid directly to the program participant, landlord or his or her representative, including but not limited to the Section 8 voucher program, the Los Angeles Homeless Services Authority's Rapid Re-Housing program or any other housing subsidy program, homeless assistance or prevention program or security deposit assistance program.

- **Q: What does this mean?**
- **A:** Landlords / Managers / Renting agents cannot deny rental applications of people who receive Section 8 based on this Source of Income.
- **Q: Do Landlords HAVE to accept all applicants with Section 8?**
- **A:** No, but the landlord cannot use the use of the Section 8 voucher against the potential tenant in considering their application.

▪ Q: What are the PROHIBITED ACTIVITIES?

- It shall be unlawful based upon a person's source of income, to refuse to rent or lease, or to continue to rent or lease, a housing accommodation; refuse to enter into or renew a rental agreement..., serve a notice of termination, ... or withhold services.

▪ Specifically, it's illegal to:

- **A.** Apply different terms, conditions, restrictions, or privileges, based upon a person's source of income, in connection with the rental of a housing accommodation, including but not limited to the setting of rates for rental or lease, the establishment of damage deposits or other similar financial conditions, or refuse access to or use of the common area or facilities associated with a housing accommodation or refuse to make repairs or improvements to a housing accommodation or real property associated with a housing accommodation.

- **B.** Represent to any person based upon their source of income that a housing accommodation is unavailable for viewing for rental when such housing accommodation is available for rent.

- **C.** Make, print, or publish, or cause to be made, printed, or published through any medium, any notice, statement, sign, advertisement, application, or contract, with regard to any housing accommodation offered for rent, including but not limited to the accepted form(s) of payment for the housing accommodation, that indicates any preference, limitation, or discrimination based upon a person's source of income.

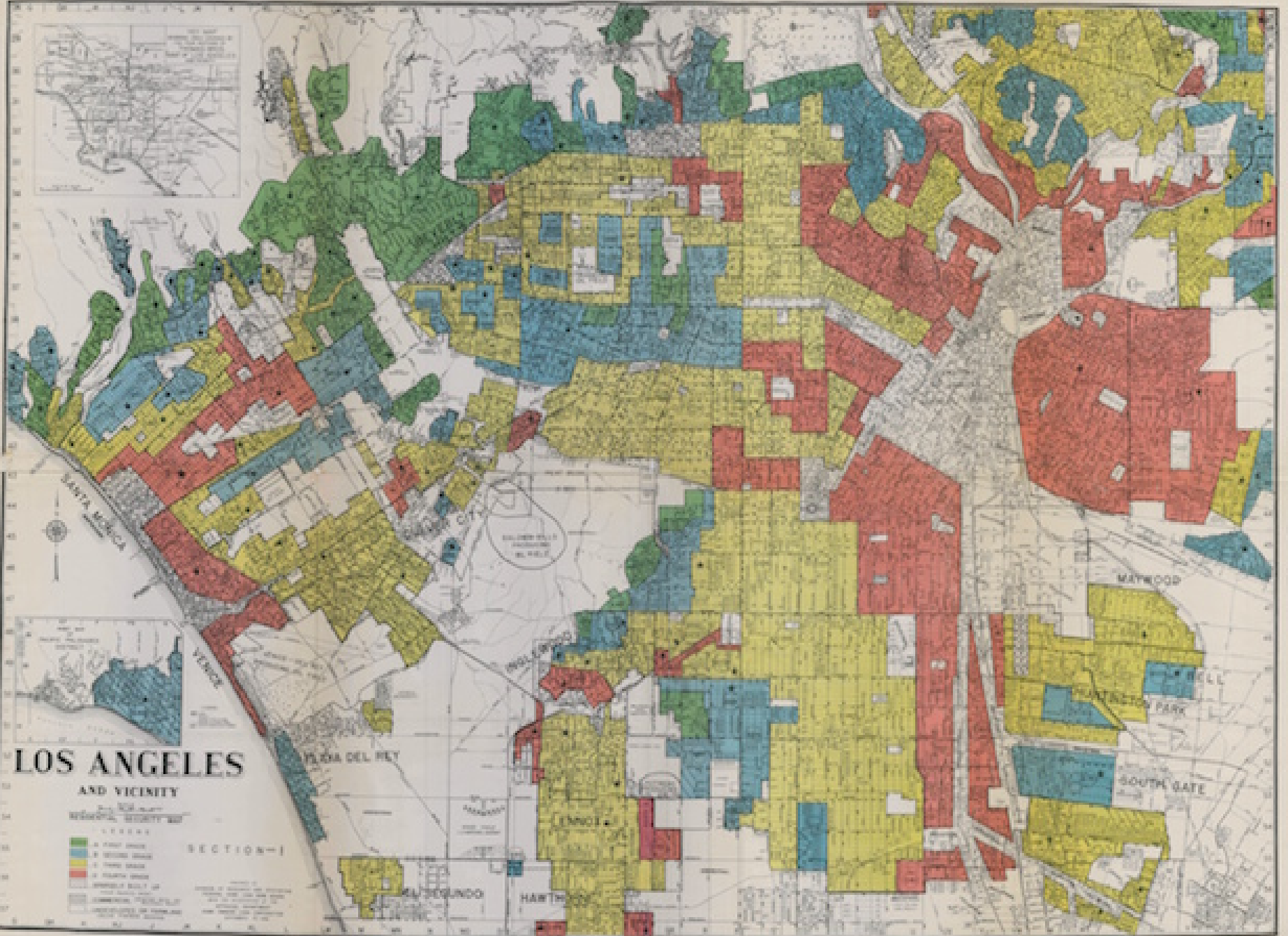
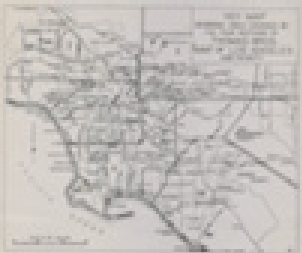
- **Q: WHAT ARE THE TENANT'S RIGHTS IF THE LANDLORD BREAKS THE LAW?**
- **A: The tenant may file a lawsuit in civil court and ask for money damages and/or for the unit to be rented to them.** The court may award to the tenant punitive damages in an amount no less than three times the amount of actual damages. The court may award three times the amount of one month's rent that the landlord charges for the housing accommodation at issue, whichever is higher. The court may also award reasonable attorney fees and costs of the legal action.
- **Q: OTHER RIGHTS?**
- **A: Yes, if a landlord tries to evict a tenant for using a Section 8 voucher, the tenant can assert this as an Affirmative Defense in their Answer to the unlawful detainer (eviction lawsuit).**

- **Q:** What Properties are covered under this law?
- **A:** Basically all residential properties. Specifically, all housing accommodations including all dwelling units, efficiency dwelling units, guest rooms, and suites, duplexes, condominiums, and single family residences in the City of Los Angeles, rented or offered for rent for living or dwelling purposes, the land and buildings appurtenant thereto, and all housing services, utilities, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities.

This law shall also include mobile homes, whether rent is paid for the mobile home and the land upon which the mobile home is located or for the land alone.

GENTRIFICATION / DISPLACEMENT - HOW WE GOT HERE

1. Government mandated segregation - yes, even in Los Angeles
2. Restrictive Covenants
3. Predatory Lending
4. Redlining: U.S. backed private lending only to non redlined neighborhoods which were Anglo-Saxon Caucasian. Home improvement loans also only went to those neighborhoods. This led to the dilapidation and blight in black and brown neighborhoods which were often in urban areas near downtowns. Created under valued housing prices. The following maps show how the actions of the U.S. government created the displacement that many of our communities are experiencing today - in addition to the overwhelming disparity of wealth between white and black/brown households.
5. Discrimination in Rental Housing



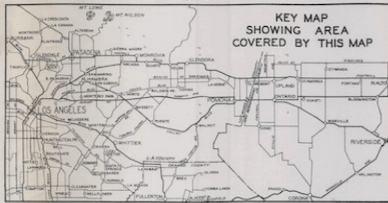
LOS ANGELES AND VICINITY

SECTION I

- 1. FLOOD PLAIN
- 2. FLOOD PLAIN
- 3. FLOOD PLAIN
- 4. FLOOD PLAIN

SECTION I

THOMAS BROS.
Map of
PASADENA.
 ALHAMBRA, POMONA,
 SOUTH PASADENA, ONTARIO,
 MONROVIA, SAN GABRIEL, ARCADIA,
 AZUSA, UPLAND, SAN MARINO, ALTADENA,
 SIERRA MADRE, EL MONTE, LA VERNE,
 COVINA, GLENORA, CLAREMONT, ROSEMEAD,
 SAN DIMAS, BALDWIN PARK, DUARTE, TEMPLE CITY,
 WILMAR, WEST COVINA, AND VICINITY



RESIDENTIAL SECURITY MAP

- LEGEND
- A FIRST GRADE
 - B SECOND GRADE
 - C THIRD GRADE
 - D FOURTH GRADE
 - SPARSELY BUILT UP
 - COMMERCIAL IMPROVED RETAIL CITY
 - UNDEVELOPED OR FARMLAND (UNLESS OTHERWISE INDICATED)

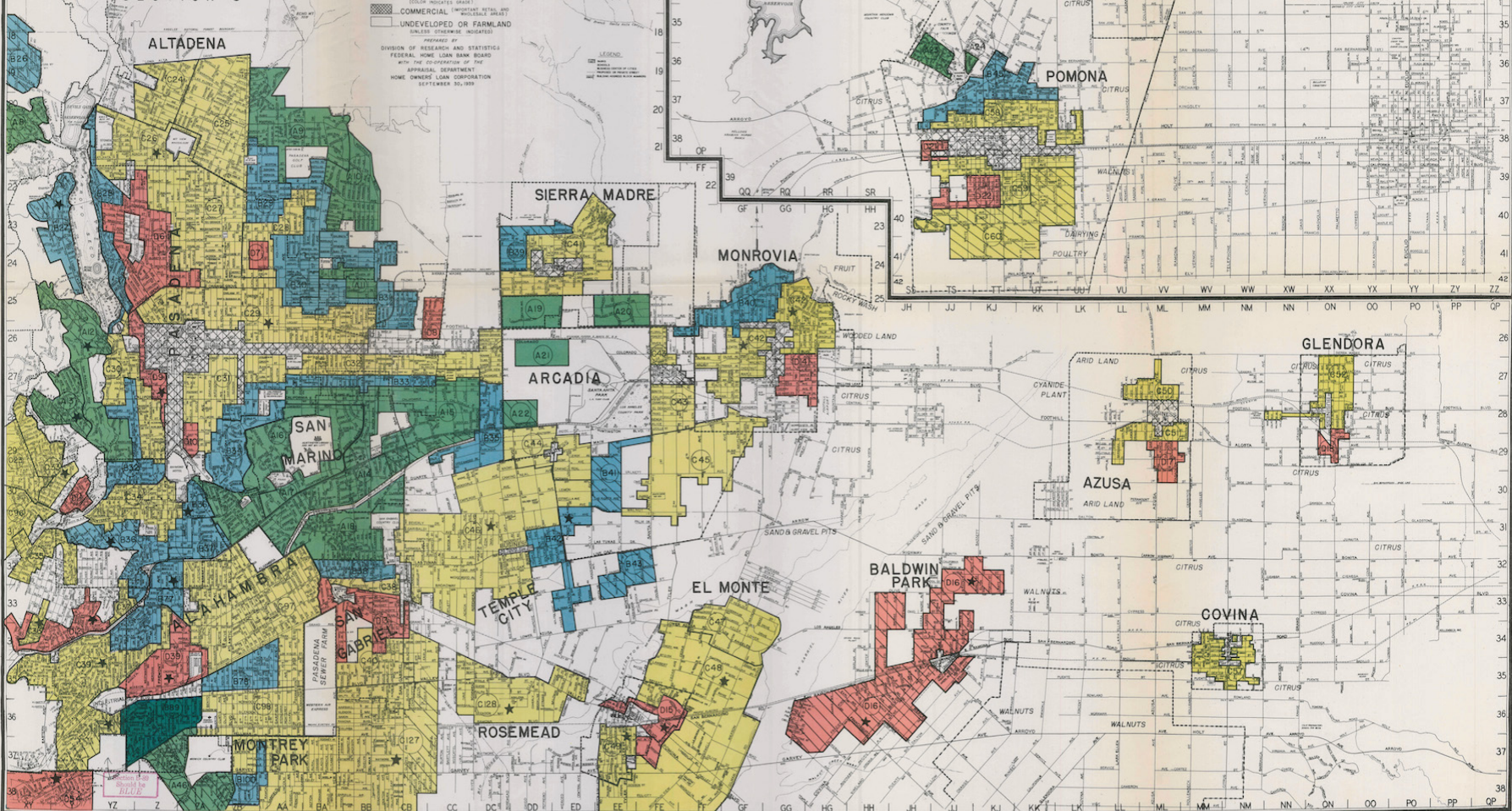
PREPARED BY
 DIVISION OF RESEARCH AND STATISTICS
 FEDERAL HOME LOAN BANK BOARD
 WITH THE COOPERATION OF THE
 APPRAISAL DEPARTMENT
 HOME OWNERS LOAN CORPORATION
 SEPTEMBER 30, 1939



SECTION-3

SECTION 2 ATTACHES HERE

SECTION 1 ATTACHES HERE



SECTION 4 ATTACHES HERE

CONTACT HRC

PLEASE CALL:

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EMAIL:

info@housingrightscenter.org

OR VISIT OUR WEBSITE

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Housing Rights Center



HOUSING RIGHTS CENTER

WORKING FOR JUSTICE AND EQUALITY IN HOUSING

**TO LEARN IF YOUR PROPERTY IS
UNDER RENT CONTROL, VISIT:**

<https://ownit.la/>



HOUSING RIGHTS CENTER

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THANK YOU!

Conducted by

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