



## Fair Housing Laws

### Federal Statutes

#### Fair Housing Act

An Amendment to Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) prohibits discrimination in the sale, rental, and financing of dwellings, and other housing-related transactions, based on race, color, national origin, religion, sex, handicap (disability) and/or familial status.

#### What Housing Is Covered?

The Fair Housing Act covers most housing categories. However, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

#### What Is Prohibited?

The law **prohibits** the following actions based on race, color, national origin, religion, sex, handicap or familial status:

- Refusal to rent or sell housing
- Refusal to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental
- For profit, persuade owners to sell or rent (blockbusting)
- Deny anyone membership in or access to a facility or service (such as listing services) related to the sale or rental of housing
- Refusal to make a mortgage loan
- Refusal to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees
- Discriminate in appraising property
- Refusal to purchase a loan
- Set different terms or conditions for purchasing a loan

It is **against the law** to:

- Threaten, coerce, intimidate or interfere with individuals exercising a fair housing right or assisting others who exercise that right
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, handicap or familial status. This applies to single-family and owner-occupied housing otherwise exempt from the Fair Housing Act

#### Definition of Disability

Individuals perceived as having a physical or mental disability (or having a record of such disability) that substantially limits one or more major life activity are protected under the Fair



## Fair Housing Laws

Housing law. This includes disabilities related to hearing, mobility, visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS-Related Complex, and/or mental retardation. The landlord **may not**:

- Refuse to make reasonable modifications to their dwelling or common use areas, at the tenant's expense, if necessary. In certain circumstances, the landlord may permit changes only if the tenant agrees to restore the property to its original condition when they move out.
- Refuse to make reasonable accommodations in rules, policies, practices or services, if necessary, for disabled individuals to use the housing

### Requirements for New Buildings

Buildings, ready for first occupancy after March 13, 1991, with an elevator and four or more units:

- Public and common areas accessible to disabled individuals
- Doors and hallways wide enough for wheelchairs
- An accessible route into and through the unit
- Accessible light switches, electrical outlets, thermostats and other environmental controls
- Reinforced bathroom walls to allow later installation of grab bars
- Kitchens and bathrooms accessible and customized for individuals in wheelchairs

These standards apply to ground floor units only.

### Housing Opportunities for Families

Discrimination is prohibited against families with one or more children under the age of 18 living with:

- A parent
- A person who has legal custody of the child or children
- The designee of the parent or legal custodian, with written permission from the parent or the legal custodian

Familial status protection also applies to pregnant women and individuals securing legal custody of a child under the age of 18.

## State Statutes

### Prohibited Housing Practices

The Fair Employment and Housing Act states that:

- Discrimination and harassment are prohibited in all aspects of housing including:
  - sales and rentals
  - evictions
  - terms and conditions
  - mortgage loans
  - insurance
  - land use and zoning
- Housing providers are required to make reasonable accommodation in rules and practices to permit individuals with disabilities to use and enjoy a dwelling and make reasonable modifications to the premises



## Fair Housing Laws

- Retaliation against any individual who has filed a complaint with the State, participated in a Department investigation or opposed any activity illegal under the Act is prohibited
- 

### Unruh Civil Rights Act

This law provides protection against discrimination by businesses, housing and public accommodations in California based on:

- Age
- Ancestry
- Color
- Disability
- National Origin
- Race
- Religion
- Sex
- Sexual Orientation
- Source of Income

### Ralph Civil Rights Act

The *Ralph Civil Rights Act*, California Civil Code Sec. 51.7, provides protection from hate crimes. It prohibits violence or threats of violence based on:

- Age
- Ancestry
- Color
- Disability
- National Origin
- Political Affiliation
- Position in a Labor Dispute
- Race
- Religion
- Sex
- Sexual Orientation
- Source of Income

### Definition of Disability

The California Fair Employment and Housing Act prohibits discrimination in all aspects of housing (rental, lease, terms and conditions, etc.) for persons with disabilities. Disability is defined as:

- A physical or mental impairment that limits the individual in performing one or more major life activity
- A record of having, or being perceived as having, a physical or mental impairment. It does not include current illegal use of, or addiction to, a controlled substance (as defined by Sec. 102 of the Federal Controlled Substance Act, 21 U.S.C. Sec. 802)

### Accessibility Guidelines

All new housing construction consisting of four or more dwelling units must be designed and constructed in a manner that allows access to, and use by, disabled persons.



## Fair Housing Laws

The basic requirements must include the following features:

- All covered multi-family dwellings shall have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site. The burden of proof, because of terrain or unusual site characteristics, is on the person or persons who designed the facility
- All covered multi-family dwellings with at least one building entrance on an accessible route shall be designed and constructed in a manner that complies with **all** of the following:
  - The public and common areas shall be readily accessible to and usable by handicapped individuals
  - All the doors shall be designed to allow passage into and within the premises and shall be sufficiently wide to allow passage by handicapped individuals in wheelchairs
  - All covered premises shall contain the following adaptable design features:
    - ♦ An accessible route into and through the covered dwelling unit
    - ♦ Light switches, electrical outlets, thermostats, and other environmental controls at accessible locations
    - ♦ Reinforcements in bathroom walls to allow later installation of grab bars around the toilet, tub, shower stall and shower seat, where such facilities are not provided
    - ♦ Usable kitchens and bathrooms such that individuals in a wheelchair can maneuver comfortably within that space

### Use of Service Animals

Disabled individuals have the right to use the services of a guide, signal or trained dog (or other such designated animal), and have such animals in or around their unit. No charges or security deposits may be imposed for having a guide, signal or trained animal. Tenants, however, are liable for any damage caused by their animals if there is proof of such damage.

### Reasonable Accommodation

At the request of a disabled individual, a housing provider must make reasonable accommodations in rules, policies, practices or services to provide the individual equal opportunity to use and enjoy the dwelling.

This includes, but is not limited to:

- Making an exemption to a "no pet" policy to enable a disabled tenant to have a service animal
- Changing parking rules to enable a disabled tenant to have parking that meets his/her needs

A housing provider may ask a tenant for medical verification of the need for reasonable accommodation. This is limited to verification that the person is disabled within the meaning of the law and that there is a need for the requested accommodation. However, the housing provider is not entitled to any information about the nature of the disability.

### Reasonable Modification

A housing provider must allow disabled individuals to reasonably modify existing premises if the modifications are necessary for enjoyment of the amenities provided within the premises.



## Fair Housing Laws

The tenant is responsible for the cost of the modification. In some circumstances, a landlord may require that the tenant agree to restore the interior of the premises to the original condition. Examples of reasonable modifications include:

- Widening doorways
- Lowering cabinets
- Installing a wheelchair ramp

### Familial Discrimination

The Fair Employment and Housing Act prohibits discrimination in all aspects of housing (rental, lease, terms and conditions, etc.) because of the presence of children in the household (familial status).

Familial status is defined as having one or more individuals under 18 years of age residing with a parent or another individual having legal custody of that individual (including foster parents) or with a designee of the parent or legal custodian. Familial status also includes pregnant women and individuals in the process of adopting or otherwise securing legal custody of any minor under 18 years of age.

### Senior Housing Exemption

Housing that meets the legal definition of senior housing are exempt from the provisions of familial status under the Fair Employment and Housing Act.

The three categories of housing that meet this definition are:

- Housing provided under any state or federal program that the Secretary of Housing and Urban Development (HUD) determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program
- Housing that meets the standards for senior housing in Sections 51.2, 51.3 and 51.4 of the Civil Code (Unruh Civil Rights Act)
- Mobile home parks that meet the standards for "housing for older persons" as defined in the Federal Fair Housing Amendments Act of 1988 and related regulations

### Reports and Complaints

Inquiries, complaints and reports related to Fair Housing issues may be filed with:

- ❖ Contractor for San Leandro Housing Services Division:  
Eden Council for Hope and Opportunity (ECHO)  
Fair Housing Counselor for San Leandro  
770 A Street  
Hayward, CA 94541  
Phone: (510) 581-9380 (X-14)  
Fax: (510) 537-4793  
[echohousing@attglobal.net](mailto:echohousing@attglobal.net)  
Website: <http://www.echofairhousing.org>



## Fair Housing Laws

- ❖ City of San Leandro:  
City of San Leandro  
City Hall  
Housing Services Division  
835 East 14<sup>th</sup> Street  
San Leandro, CA 94577  
Phone: (510) 577-6002  
Fax: (510) 577-6007  
For information: <http://www.ci.san-leandro.ca.us/slcommunitydev.html> and select 'Housing Programs'  
For online requests through ACCESS SAN LEANDRO: <https://access.ci.san-leandro.ca.us/slwxext/>
  
- ❖ State Agency:  
California Department of Fair Employment and Housing  
2014 "T" Street, Suite 210  
Sacramento, CA 95814  
Phone: (916) 227-2873
  
- ❖ Federal Agency:  
Housing and Urban Development (HUD)  
Office of Fair Housing and Equal Opportunity  
Phone: (800) 669-9777  
TTY: (800) 927-9275  
Website: <http://www.hud.gov/offices/fheo/>

**OR**

- ❖ Local HUD Office:  
Fair Housing Hub  
U.S. Department of Housing and Urban Development  
Phillip Burton Federal Building and U.S. Courthouse  
450 Golden Gate Avenue, 9th Floor  
P.O. Box 36003  
San Francisco, California 94102-3448  
Phone: (415) 436-8400; (800) 347-3739  
TTY: (415) 436-6594