

HOUSING DISCRIMINATION

Discrimination Says They Can't Be Neighbors



The Law Says They Can

CONTENTS

What Is Prohibited

How To Document Discrimination

Frequently Asked Questions

Sample Letter

Where to Get Help

Prepared by Community Legal Services in East Palo Alto
with support from the East Palo Alto Rent Stabilization Program
July 2004

About the East Palo Alto Rent Stabilization Program

East Palo Alto's Rent Stabilization Program administers the Rent Stabilization Ordinance. For units under rent control, the Program:

- Determines the maximum legal rent; and
- Provides fair and impartial hearings regarding rental rates, eviction and habitability to landlords and tenants.

Regular meetings of the Rent Stabilization Board are held on the second and fourth Wednesday of the month at 7:00 p.m. at 2415 University Avenue, East Palo Alto. The public is welcome to attend.

For more information, please call the Program at tel: (650) 853-3109 or see <http://www.ci.east-palo-alto.ca.us/housingdiv/rent.html>.

Rights and Responsibilities Concerning Housing Discrimination under California Law and East Palo Alto's Rent Stabilization Ordinance

California law and East Palo Alto's Rent Stabilization Ordinance protect tenants from arbitrary discriminatory or retaliatory evictions.

Both the city ordinance and state law provide protections from landlords who retaliate against tenants who seek to enforce their rights against housing discrimination.

UNDER CALIFORNIA LAW, HOUSING DISCRIMINATION IS PROHIBITED ON THE BASIS OF:

- Race or color
- Ancestry or national origin
- Sex or Gender
- Sexual orientation
- Medical condition
- Mental/Physical disability (if you or someone close to you has a disability)
- Religion
- Source of income
- Marital status
- Familial status (families with children under the age of 18, or who are expecting a child)
- Age
- Any other arbitrary treatment

UNDER FEDERAL LAW, HOUSING DISCRIMINATION IS PROHIBITED ON THE BASIS OF:

- Race or color
- National origin
- Religion
- Sex
- Familial status (families with children under the age of 18, or who are expecting a child)
- Disability (if you or someone close to you has a disability)

THE FOLLOWING ACTIVITIES ARE ILLEGAL
(When based upon one of the protected classes listed on Pg. 1)

- Refuse to rent or sell you housing
- Tell you housing is unavailable when in fact it is available
- Show you apartments or homes in certain neighborhoods only
- Advertise housing to preferred groups of people only
- Refuse to provide you with information regarding mortgage loans, deny you a mortgage loan, or impose different terms or conditions on a mortgage loan
- Deny you property insurance
- Conduct property appraisals in a discriminatory manner
- Refuse to make certain modifications or accommodations for persons with mental or physical disability, including persons recovering from alcohol and substance abuse, and HIV/AIDS related illnesses
 - Refuse to allow a guide dog, hearing dog or service animal
 - Refuse to widen a door for a wheelchair
- Request to see your medical records
- Fail to design and construct housing in an accessible manner
- Threaten or interfere with anyone making a fair housing complaint

THE FOLLOWING ACTIVITIES ARE LEGAL

Landlords can require the following, as long as these standards are applied equally to all tenants:

- A minimum income
- Employment and bank account information
- Positive references from previous landlords
- A credit report

Landlords are entitled to reject someone with:

- A poor credit history
- Insufficient income to pay the rent
- Past behavior – such as damaging property – that makes the person a bad risk
- A valid occupancy policy limiting the number of people per rental unit – one that is clearly tied to health and safety

HOW TO DOCUMENT DISCRIMINATION

1. *How were you discriminated against?*

- Were you refused an opportunity to rent or buy housing?
- Denied a loan?
- Told that housing was not available when in fact it was?
- Treated differently from others seeking housing?

2. *Why do you believe you are being discriminated against?*

- Were you denied housing because of your race?
- Were you denied a mortgage loan because of your religion?
- Or turned down for an apartment because you have children?
- Were you harassed because you assisted someone in obtaining their fair housing rights?

3. *Who do you believe discriminated against you?*

- Was it a landlord, owner, real estate agent, broker, company or organization?

4. *Where did the alleged act of discrimination occur?*

- Provide the address:
 - Was it at a rental unit?
 - Single family home?
 - Public or Assisted Housing?
 - A Mobile Home?
 - Did it occur at a bank or other lending institution?

5. *When did the last act of discrimination occur?*

- Month/Day/Year

- Is the alleged discrimination continuous or ongoing?
- Try to create a timeline of events

6. *What information should you collect when searching for an apartment?*

- Keep copies of any ads you respond to
- Get the name and title of the person you speak with as well as the name of the landlord and/or management company
- Record the date you visit with the landlord, recording all information about the unit itself, including:
 - The complex name
 - Building address
 - Unit number
 - Vacancy date
 - Number of bedrooms
- Note all personal questions asked of you by the landlord and all personal information you volunteered about yourself
- Make note of all phone conversations

7. *What other information should I include?*

- Name of the person or group that you are charging with discrimination
- Details of statements made or different treatment received

8. *How do I get stronger proof?*

- Contact an enforcement agency to request testers to verify the discrimination. Any legal service provider can refer you.

FREQUENTLY ASKED QUESTIONS

(1) What is Housing Discrimination?

Housing discrimination is when one person makes a housing decision based on a preference for, or bias against, another person because of a characteristic. Housing discrimination is illegal when the housing decision was made based on a preference for or bias against a person because of a specifically prohibited characteristic, such as race or sex. The federal government and the laws of each state specify what characteristics should not form the basis of housing decisions.

(2) What do I do if I believe I have been the victim of illegal discrimination in housing?

Individuals who believe that they have been victims of an illegal housing practice may file a complaint with the Department of Housing and Urban Development [HUD], the Department of Fair Employment and Housing (DFEH), or file their own lawsuit in federal or state court.

(3) How much time from the date of the alleged discrimination can you file a complaint or a lawsuit?

You must file the complaint with HUD or DFEH within one year of the incident you believe to be housing discrimination. If you choose to file your own lawsuit in federal or state court, you must do so within two years of the incident.

(4) What remedies are available to persons who file complaints of housing discrimination?

REMEDIES:

1. Monetary Damages are to compensate victims of discrimination
2. Punitive Damages are to make an example of the discriminator
3. Policy changes

Economic Loss:

- Increased rent/housing costs
- Sales price increase
- Commuting expenses
- Moving expenses/storage
- Increased mortgage expenses
- Apartment/home search expenses
- Medical/therapy bills
- Lost wages
- Loss of home equity
- Payment of attorney's fees and other court costs

Intangible Loss:

- Emotional. Humiliation and Embarrassment
- Physical pain and suffering
- Loss of Civil Rights/Restrictions on Liberty

Punitive Loss:

- Willful and wanton conduct
- Reckless indifference (degree of reprehensibility)

(5) Can you be retaliated against for filing a complaint?

The law protects you against retaliation for filing a complaint with HUD or DFEH for participating in an enforcement investigation, or for opposing any discriminatory activity.

SAMPLE LETTER

This letter should be directed to the person or organization that you believe has engaged in discriminatory activity. For example, the letter may be directed to a landlord, owner, bank, real estate agent, broker, company, or organization. The purpose of this letter is to create a written record of the incident. Feel free to personalize this letter without making it too hostile.

[today's date]

[your name and address]

[respondent's name and address]

Dear [respondent's name]:

I am writing to memorialize an incident that took place on [the date of the incident] with regard to the following address: _____
[If the discriminatory acts are ongoing, be sure to state this and include the date of the most recent incident]

[Briefly state the facts surrounding the incident. For example: Were you refused an opportunity to rent or buy housing? Were you told that housing was not available when, in fact, it was? Were you treated differently from others seeking housing?]

[State the reason that you think you are being discriminated against. For example: Were you denied housing because of your race? Were you turned down from an apartment because you have children? Were you harassed because you assisted someone in obtaining their fair housing rights?]

I wish to settle this matter reasonably. However, please be advised that I know my rights under the law. The law prohibits the denial of housing rights based upon race, color, national origin, religion, sex, familial status, and disability [If in CA, also include: sexual orientation, medical condition, source of income, marital status, age, and any other arbitrary treatment]. If it proves necessary, I will not hesitate to obtain legal assistance to enforce my right to obtain fair housing. I would appreciate hearing from you concerning this matter within the next [five to ten] days.

Sincerely,

[your name]

WHERE TO GET HELP

East Palo Alto Rent Stabilization Program

2200 University Ave., East Palo Alto

Tel: (650) 853-3109

The following groups offer free or low-cost legal advice on housing issues. Call the offices for more information on how they might be able to help you.

Community Legal Services in East Palo Alto

2117-B University Ave., East Palo Alto

Tel: (650) 326-6440

La Raza Centro Legal

474 Valencia St., Suite 295, San Francisco

Tel: (415) 575-3500 or 1-866-4LA-RAZA

Project Sentinel

Tel: (888) F-A-I-R-H-O-Using/ (888) 324-7468

Midpeninsula Citizens for Fair Housing

457 Kingsley Avenue, Palo Alto

Tel: (650) 327-1718 or (408) 730-8491

Legal Aid Society of San Mateo County

521 East 5th Ave., San Mateo

Tel: (650) 558-0915 / TDD: (650) 558-0786

Stanford Community Law Clinic

2117 University Ave., Suite A, East Palo Alto

Tel: (650) 475-0560

Bay Area Legal Aid

2287 El Camino Real, San Mateo

Tel: (650) 358-0745 or (800) 551-5554