

**FEDERAL AND STATE
LAWS PROHIBIT
DISCRIMINATION
BASED ON:**

- ⇒ RACE
- ⇒ COLOR
- ⇒ RELIGION
- ⇒ GENDER
- ⇒ NATIONAL ORIGIN
- ⇒ FAMILIAL STATUS
- ⇒ DISABILITY
- ⇒ SEXUAL ORIENTATION
- ⇒ MARITAL STATUS
- ⇒ ANCESTRY
- ⇒ AGE
- ⇒ SOURCE OF INCOME
- ⇒ OR OTHER ARBITRARY BASIS

**LIVE FREE
FROM
DISCRIMINATION**

**INSIDE THIS
ISSUE:**

- No Pets Allowed. No Exceptions. 2
- Senate Bill 183 2
- Don't Be a Victim of Predatory Lending 3
- Disability Q&A 3
- Recent Test Findings 4

HRC WINS MAJOR VICTORY IN GROUNDBREAKING DISABILITY CASE

HRC won a major victory in a case that is the first of its kind.

A tenant contacted HRC for assistance in requesting a reasonable accommodation based on her disabilities.

The tenant, a female with multiple chronic physical disabilities, requested that she be allowed to break her lease early, without penalty or fee, so that she could move closer to her longtime physician to obtain necessary and urgent medical care.

She reported that shortly after moving into the rental property her medical condition declined. She experienced frequent episodes of blurry vision, dizziness, and lightheadedness, which impaired her mobility. As a result, she was frequently unable to operate a vehicle.

The tenant resided approxi-

mately 85 miles away from her medical team. She visited her physician for medical observation, treatment and medication.

As she was frequently unable to operate a vehicle, it became difficult for her to see her physician as often as medically necessary. Her condition further worsened and became increasingly unstable.

Her physician recommended in writing that she relocate to a home closer to her medical office so that she could receive the medical treatment she needed.

HRC contacted her landlord and requested the accommodation on her behalf. The landlord refused to let her break the lease.

Subsequent attempts at communicating with the landlord, via telephone and in writing, were ignored. HRC assisted the tenant in filing a suit under the Fair

Housing Act (FHA) and state fair housing laws, due to the landlord's failure to grant her disability accommodation.

The court stated that the failure to engage in the interactive process was not an independent basis for discrimination claims; however this failure could be considered in assessing whether the landlord has refused to reasonably accommodate a tenant's disability.

The court found that the landlord's complete failure to respond to the tenant's request constituted a failure to reasonably accommodate the tenant's disability in violation of the FHA, the California Fair Employment and Housing Act, and the California Disabled Persons Act. *Rodriguez v. Morgan*, 2012 WL 253867, No CV 09-8939-GW (C.D. Cal. Jan. 26, 2012).

COMMON REASONABLE ACCOMMODATION REQUESTS

Service and Support Animals
While housing providers can establish a "no-pet policy" for their properties, tenants with disabilities who require the use of a service or emotional support animal for medical purposes, are entitled to an exception to the rule.

Unit Transfers - Tenants with disabilities can request to be transferred to another available unit of equal value, if the transfer is medically necessary. For instance, a tenant with a worsening physical disability should be allowed to transfer from their

third-floor unit to a similar ground floor unit due to difficulties climbing the stairs.

Caregivers - Tenants with disabilities may find it medically necessary to have a 24-hour caregiver live in their unit. A request to have a live-in caregiver must be granted unless it poses an undue financial or administrative burden, or fundamentally alters the housing provider's business. Housing providers cannot require that a caregiver be added to the lease, and in most cases, a rent increase is not permissible.

Rent - Many disabled tenants receive social security income as their primary money source, and social security checks often arrive on the third day of the month or later. Monthly rent is usually due on the first day of the month. Disabled tenants may request that the housing provider accommodate their disability by moving their rent due date to coincide with their social security check. This would allow them to avoid paying costly late fees every month and/or be in constant risk of eviction.



NO PETS ALLOWED. NO EXCEPTIONS.

It is estimated that more than 9,000 people in the United States use guide dogs through a formal guide dog training program for assistance in performing daily life activities. Many more people are estimated to use a non-formally trained guide dog. An additional 5,000 to 10,000 people use emotional support animals to help alleviate the effects of a mental disability, such as depression or anxiety.

Many housing providers are unaware that it is illegal to refuse a tenant with a disability the right to have a service or support animal. While “no-pet” policies are legal, a housing provider must be prepared to make an exception to the rule for disabled tenants.

The Fair Housing Act, amended in 1988, requires housing providers to make

reasonable accommodations in their policies or rules to afford people with disabilities the right to use and enjoy their housing on equal terms with non-disabled tenants.

The most common accommodations include allowing tenants with disabilities to have live-in caregivers, service or emotional support animals, handicap parking spaces, or a transfer of units.

In most cases, housing providers are legally required to grant accommodations for disabled tenants. An accommodation request can be denied if granting the accommodation would cause an undue financial or administrative burden for the housing provider, or would fundamentally alter their business. Requesting that a housing provider install an elevator at the property, for example,

would in most cases be considered an undue financial burden.

Property owners are expected to absorb *some* costs as a result of granting an accommodation. If a tenant is requesting a designated handicap space at a property with ample, first come, first-served parking, a housing provider would be expected to pay for the cost of installing appropriate signage and/or painting blue lines on the pavement to indicate handicap parking.

A housing provider can't charge extra fees or require additional security deposits as a condition for granting an accommodation. For instance, a disabled tenant cannot be charged a pet deposit fee in order to have their service or emotional support animal live with them in their unit.

CARBON MONOXIDE POISONING PREVENTION

In May 2010, CA Senate Bill 183, also known as the Carbon Monoxide Poisoning Prevention Act, was signed into law to help protect people from carbon monoxide poisoning.

As of July 1, 2011, all single-family homes with an attached garage or a fossil fuel source (wood, gas, oil) must install carbon monoxide alarms in their home.

As of January 1, 2013 all multi-family leased or rental dwellings, such as apartment buildings, **must** be equipped with a carbon monoxide alarm.

The devices should be installed outside of each sleeping area, including the basement.

Tenants are responsible for notifying the owner or the owner's agent if the carbon monoxide alarm becomes inoperable within the unit. The owner or owner's agent must correct any reported deficiencies in the carbon monoxide alarm in a timely manner.

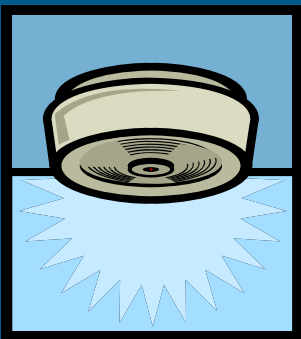
Carbon monoxide is an odorless and colorless gas that is produced from heaters, furnaces, fireplaces, gas stoves, and certain types of appliances/cooking devices.

Carbon monoxide poisoning is the leading cause of accidental death in the United States. It accounts for an estimated 700 emergency room visits in California each year.

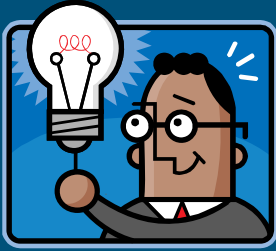
Carbon monoxide poisoning can cause severe and chronic brain, lung and heart injuries and even death.

Symptoms commonly associated with carbon monoxide poisoning include dizziness, nausea, headaches and sudden tiredness.

California law states that anyone who does not comply with the law may face a \$200 fine.



Effective January 2013
all rental properties must
be equipped with a
carbon monoxide alarm.



Be A Smart Consumer!

Speak with a HUD Housing Counselor to learn about the homeownership process.

To find a counselor in your area, call: (800) 569-4287



Learn about your rights and responsibilities as a person with a disability.

COULD YOU BE A VICTIM OF PREDATORY LENDING?

For most people, buying a home is one of the most important financial decisions they will ever make. Many homeowners unfortunately fall victim to lending abuses, and their long-awaited dream of homeownership often ends in a financial nightmare.

The Center for Responsible Lending reports that since 2007 more than 7.5 million homes have entered into the foreclosure process.

Amherst Securities, a leading broker/dealer specializing in the trading of residential and commercial mortgage-backed securities, estimates that more than 10 million foreclosures are still ahead, and 1 out of every 5 homeowners is at serious risk of foreclosure.

Financial experts have long held predatory lenders responsible for the foreclosure crisis and its devastating impact on our communities.

Predatory lending is unfair, unethical and illegal.

Predatory lenders often target senior citizens, minorities, people with disabilities, and low-income families with unnecessarily expensive loans, excessive fees, and high pressure tactics. Most predatory lenders often share the same ethnicity or race as their victims.

Predatory Lenders May:

- Tell you that they are your only chance of getting a loan.
- “Pack” a loan with unnecessary products and services.
- Try to make a loan more attractive by having low monthly payments but charging a large balloon payment at the end of the loan period.
- Knowingly loan you more money than you can afford to repay.
- Convince homeowners to repeatedly refinance their loans within a short period of time, thereby stripping the home of its equity.
- Use false appraisals to in-

crease the home’s actual value.

- Pressure you to accept a higher risk loan.
- Persuade you to lie about your income in order to qualify for a loan.

To avoid costly pitfalls later, be a smart consumer and learn about the homebuyer process first.

Smart Consumer Tips:

- Shop around. Compare loans from different lenders.
- Borrow only the amount you need and can afford.
- Ask about any additional fees and prepayment penalties, if any. Make sure that they are reasonable.
- Avoid loans with low monthly payments and a “balloon” payment at the end of the loan payment.
- Do not sign documents containing blank spaces.
- Obtain copies of all loan documents.
- Read everything carefully. Ask questions if there are terms you don't understand.

DISABILITY Q & A

Q: Can my request for a reasonable accommodation be denied?

A: Yes. Your reasonable accommodation request can be denied if: (a) you do not have a disability (b) there is no disability-related need for the accommodation, or (c) the accommodation imposes an *undue* financial or administrative burden on the housing provider or *fundamentally alters* the nature of their business.

Q: Can I be required to put my request in writing?

A: No. While a housing provider can request that it be documented in writing, they cannot *require* it. If a tenant refuses to put it in writing, a landlord must treat the request as if it was submitted in writing.

Q: What kinds of information can a housing provider request from me if I have an obvious or known disability and I'm requesting a reasonable accommodation?

A: Housing providers are entitled to obtain necessary information to determine if the requested accommodation relates to the tenant's disability. However, if the person's disability is obvious and if the need for the accommodation is *also* readily apparent, housing providers may not request any additional information about the disability.

Q: Can a housing provider deny an accommodation if it involves costs to him/her personally?

A: No. Courts have ruled that

housing providers may be expected to grant accommodations that involve some costs to them, as long as the accommodation does not pose an *undue* financial burden.

Q: If a housing provider grants a waiver of a “no-pet” policy for a tenant who needs a service animal, can the “no-pet” policy still be applied to other tenants?

A: Yes. Only a tenant with a disability who requests an accommodation for a service or emotional support animal is entitled to be excused from the “no-pets” rule.

Q: Can I be required to obtain liability insurance as a condition for granting my accommodation request?

A: No.

RECENT FINDINGS REVEAL DISABILITY DISCRIMINATION

The Housing Rights Center as part of its Fair Housing Initiatives Program (FHIP) Private Enforcement Initiative, confirmed that apartment hunters who are physically disabled receive less favorable treatment when inquiring about available rental units in the Greater Los Angeles area.

The FHIP Project, a program funded by the United States Department of Housing and Urban Development (HUD), allows fair housing organizations to proactively root out and address discrimina-

tion, recognizing that housing discrimination is grossly under-reported.

Rental tests based on physical disability conducted by HRC from September 2011 through January 2012 revealed that an astounding 46.5% of the time, a person with a physical disability received less favorable treatment than a person without a physical disability.

The differential treatment took several forms, including providing tenants with disabilities less information about available units and

steering or coercing disabled tenants away from certain units.

“Such differential treatment implies that there is a rental preference for tenants without a physical disability, denying individuals equal opportunity to housing,” stated Stephanie Knapik, Director of the HRC FHIP Project. “Intentional discrimination based on a physical or mental disability is a violation of federal and state fair housing laws.”



If you feel you've been discriminated against, contact the Housing Rights Center at:

1-800-477-5977 (Voice)
1-213-201-0867 (TTY)

WALK-IN CLINICS

If you would like to receive in-person counseling in a city near you, please visit one of HRC's monthly walk-in clinics:

Alhambra Walk-In Clinic **Civic Center Library** **2-5PM**

First four Fridays of the month
101 S. 1st Street
Alhambra, CA 91801

Carson Walk-In Clinic **Senior Center** **9-11am**

First Thursday of the month
801 E. Carson Street
Carson, CA 90745

Carson Walk-In Clinic **City Hall** **9-11am**

Third Wednesday of the month
701 E. Carson Street
Carson, CA 90745

Inglewood Walk-In Clinic **Inglewood Public Library** **Lecture Hall** **1-4pm**

Second Tuesday of the month
101 W. Manchester Blvd.
Inglewood, CA 90301

East LA Walk-In Clinic **Centro Maravilla Center** **10am-1pm**

First Tuesday of the month
4716 E. Cesar Chavez Avenue
Los Angeles, CA 90022

Monterey Park Walk-In Clinic **Langley Senior Center** **1-4pm**

First Tuesday of the month
400 Emerson Avenue
Monterey Park, CA 91754

West LA Walk-In Clinic **LAHD Office** **10am-12pm**

Second Tuesday of the month
1645 Corinth Ave., Suite 104
Los Angeles, CA 90025

Lancaster Walk-In Clinic **City Hall** **9am-12pm**

Third Thursday of the month
44933 North Fern Avenue
Lancaster, CA 93534

Palmdale Walk-In Clinic **City Hall** **1-4pm**

Third Thursday of the month
38250 Sierra Highway
Palmdale, CA 93550

For **immediate** assistance regarding your housing-related concerns, please contact the Housing Rights Center to speak with a Housing Counselor.

WANT TO HELP FIGHT DISCRIMINATION?

The Housing Rights Center is currently seeking volunteers interested in becoming Civil Rights Testers.

Testers are trained individuals who assist the Housing Rights Center in the investigation of housing discrimination complaints according to the fair housing laws.

Testers play the role of a person who is looking for a housing unit in which to live.

Testers must be objective, careful observers, accurate reporters and truthful witnesses as they will be responsible for reporting their experience to the Housing Rights Center.

Testers are paid a stipend for their work, and are reimbursed for their mileage. All testers must attend a 4 hour training and pass a background screening.

Interested individuals should contact Ms. Stephanie Knapik of the Housing Rights Center at (800) 477-5977 extension 29.





HOUSING RIGHTS CENTER

WORKING FOR JUSTICE AND EQUALITY IN HOUSING

ABOUT US

The Housing Rights Center (“HRC”) is the nation’s largest nonprofit fair housing organization.

Since 1968, HRC has identified and addressed the challenges of housing discrimination without interruption, and continues to expand and diversify its services and programs to meet the need and ever changing issue of fair housing.

During the past year, HRC assisted over 15, 000 individuals and families throughout the Los Angeles and Ventura Counties.

CONTACT US

Los Angeles Office
520 S. Virgil Avenue
Suite 400
Los Angeles, CA 90020

Pasadena Office
1020 N. Fair Oaks Avenue
Pasadena, CA 91103

Toll Free: 800-477-5977
TTY: 213-201-0867
Fax: 213-381-8555

MISSION STATEMENT

The Housing Rights Center’s mission is to actively support and promote fair housing through education and advocacy to the end that all persons have the opportunity to secure the housing they desire and can afford, without discrimination based on their race, color, religion, gender, sexual orientation, national origin, familial status, marital status, disability, ancestry, age, source of income or other characteristics protected by law.

FREE SERVICES AND PROGRAMS

- Discrimination Complaint Investigation
- Landlord-Tenant Counseling
- Public Education and Outreach
- Litigation and Advocacy
- Monthly Rental Listings

DONATE

HRC is a tax exempt 501(c)(3) nonprofit organization. Your contributions will assist HRC in continuing to fight for justice and equality in housing. Your donation is important to social justice.

To donate, please make your check payable to the Housing Rights Center, Federal ID# 95-2572642, and mail it to our Los Angeles Office.

No gift is too small.

WE’RE ON THE WEB!
WWW.HOUSINGRIGHTSCENTER.ORG
