

## IMMIGRATION STATUS & FAIR HOUSING

BY: MARTHA TORRES

In today's climate, there is uncertainty by tenants who fear that their housing is in jeopardy or feel that they are at risk of losing housing opportunities due to

states immigration status has a correlation with denying or approving housing. Denying or approving housing should be based on the housing provider's selection criteria.

*For example, determining if the applicant qualifies for the dwelling should depend on the person's income, credit, rental history.*

their immigration status. On the flip side, Housing Providers worry about making sure that they comply with the law and rent to qualified applicants while ensuring that they are aware of who the people are that reside in their properties. That is accomplished by requiring that everyone who is 18 years of age or older completes an application and meet the selection criteria. Also, having an updated written rental agreement specifying who are the authorized occupants. Currently, there is no law that

The section criteria should be based on the applicant's income, credit history and rental history.

It is important to know that the law prohibits illegal housing discrimination regardless of one's immigration status. The Fair Housing Act prohibits discrimination in the sale,

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## LET THE FESTIVITIES BEGIN...



...

Fair Housing Foundation would like to wish everyone a Happy Halloween, Happy Veteran's Day, Happy Thanksgiving, Happy Hanukkah, Merry Christmas, Happy Kwanzaa and a delightful New Year!



...

May the holidays fill your homes with love, laughter, happiness and joyous memories.





rental, and financing of dwellings, and in other housing related transactions, based on race, color, national origin, religion, sex, familial status, and disability. Such discrimination is illegal regardless of the applicant's or tenant's immigration status.<sup>1</sup>

While a housing provider can require that prospective home seekers meet certain qualification requirements, the requirements should be requested by all applicant's. For example, determining if the applicant qualifies for the dwelling should depend on the person's income, credit, rental history. Some housing providers choose to take the additional step of requesting personal references. Housing providers who choose to take the additional step must keep in mind that it would be requirement applied to all applicants. If additional identification documents are requested or are charging a different price based on the person's immigration status or the perception of their immigration status, it could then create a space for

difference in treatment and be a violation of the law.<sup>2</sup>

Very similarly, violations based on National Origin could also occur if the person is given differential treatment based on the person's ancestry, ethnicity, birthplace, culture, or language. One common example is if the Housing Provider is refusing to rent to persons whose primary language is a language other than English<sup>3</sup>. If the Housing Provider has verified that information given is true and meets their selection criteria, it would be illegal if the denial is based on the applicant's inability to speak English.

The Fair Housing act also makes it illegal to coerce, intimidate, threaten, or interfere with a person's exercise or enjoyment of rights granted or protected by the Fair Housing Act. This can include making threats to call U.S Immigration and Customs Enforcement (ICE)<sup>4</sup> or the police when a tenant has exercised their rights afforded to them under the civil codes, civil code procedures, federal and state

fair housing laws.

Threatening tenants with illegal eviction and denying tenant's their due process by not going through the proper methods of serving notices or going through the eviction process could also be a violation of the law. Given the complexities of the topic, anytime you are in doubt, please give our agency a call.

1-4 <http://www.equalhousing.org/wp-content/uploads/2014/09/2012-Immigration-Status-FAQ.pdf>

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FAIR HOUSING FOUNDATION'S SHINING STAR IS  
A REMARKABLE COMMUNITY BASED ORGANIZATION  
THAT IS CHANGING THE LIVES OF MANY  
FAMILIES AND CHILDREN.

## *Collaboration to Assist Motel Families*

<http://www.motelcollaboration.org/>



The Collaboration to Assist Motel Families (CAMF) was established in 1998 and provides information and networking opportunities for health and human service providers who serve residents living in motels in Anaheim and surrounding cities. CAMF is a volunteer organization who facilitate and plan events. The group meets monthly to share information, resources and coordinate solutions to meet the needs of motel residents. CAMF'S members collectively provide an array of services. CAMF does amazing work and is strengthened by their members. That golden group includes:

- ❖ 211OC
- ❖ Anaheim City School District
- ❖ Anaheim Community Foundation
- ❖ Anaheim Supportive Housing, Inc.
- ❖ Buena Park School District
- ❖ CalOptima
- ❖ Casa Youth Shelter
- ❖ Child Shuttle
- ❖ Church of Christ
- ❖ Fair Housing Foundation
- ❖ First Light International Foundation
- ❖ Fristers
- ❖ Grandma's House for Hope
- ❖ Haskett Library
- ❖ Health Care Agency- Public Health Nursing
- ❖ Illumination Foundation
- ❖ Magnolia School District
- ❖ Mc-Kinney-Vento (Homeless) Liaisons
- ❖ Mercy House
- ❖ Orange County Department of Education/Division of Alternative Education (ACCESS)
- ❖ Planned Parenthood of Orange & San Bernardino Counties
- ❖ Project Hope Alliance
- ❖ Safe Families for Children- Olive Crest
- ❖ Shivam Realtors



## THEIR EXPERIENCES WILL INSPIRE YOU!



Fair Housing Foundation makes a difference in the lives and homes of Landlords, Tenants, Managers, Realtors, Rental Home Seekers and Owners. These are their real-life experiences.

If you'd like to share your positive experience,  
please email [receptionist@fhfca.org](mailto:receptionist@fhfca.org) with the subject "Testimonial"

### *Familial Status Discrimination Crushed with Successful Conciliation! Case Settles for \$2,300.00*

Ms. M contacted our office after she received a 90-day notice to terminate her tenancy since she is a Section 8 recipient. Ms. M received the termination notice as a result of Ms. M's children playing in the common areas. Ms. M alleged that she was approached by both owner and manager. In front of the owner the manager told Ms. M that children could not play outside and should be taken to the park. Ms. M alleged that a couple of months prior to receiving the termination notice Ms. M had been served with written House Rules and Regulations that required minor children be supervised in common areas at all times and children were not allowed to play outside after 6pm. Both of the rules were found to be in violation of the fair housing laws. Fair Housing

Foundation (FHF) attempted to conciliate the overly restrictive rules with the owner. However, the owner refused to make the necessary changes to the House Rules and Regulations that were found to be in violation of the fair housing laws. FHF filed a complaint with the Department of Fair Employment and Housing (DFEH). Ms. M chose not to be a part of the complaint. Still thankfully, Ms. M was able to continue the tenancy at the subject address. The owner had rescinded the notice to terminate tenancy. FHF was able to successfully settle through mediation. The case was settled for a total of \$2,300. The owner was required to implement rules that were non-discriminatory. Along with requiring the manager to attend a fair housing training.



### *No More Outrageous Fees. Mediation Victory!*

This is a tenant who has a rental housing voucher. She applied and was approved to reside in a property in Mission Viejo. The housing provider agreed to allow her to make partial payments on her security deposit. In the emailed agreement from one of the community consultants, the tenant was advised that if the monthly rent, monthly utilities, and partial security deposit payment was not paid prior to the fourth of each month, there would not be a late fee. However, the complex's billing department charged the tenant the late fee for the three months of the previously agreed upon payment plan. After discussing the issue with the housing provider, the tenant was able to get the housing provider to rescind those late fees. However, the billing department;

which is in Virginia, continued to add late fees each month from January 2017 through May 2017. After forwarding written correspondence to the housing provider, I was followed up with by two of the community managers of the subject property. Shortly after discussing the issue with both managers; on September 7, 2017 I received an email from the community manager stating that the issue had been reviewed with the billing department and the tenant's account ledger was reviewed line by line. The email also stated that they were rescinding all the erroneous late fee charges. The tenant's account ledger would be adjusted to show a rent credit within 48-hours of the email from the community manager.

THE FAIR HOUSING FOUNDATION STAFF CAN ASSIST WITH QUESTIONS  
REGARDING FAIR HOUSING AND/OR LANDLORD/TENANT RIGHTS  
CALL US AT:

**800-446-FAIR**

562-989-1206 ~ 714-918-8001

Our Offices:

**Long Beach:** 3605 Long Beach Blvd., Suite 302. Long Beach, CA 90807

**Anaheim:** 2300 E. Katella Ave., Suite 405. Anaheim, CA 92806

[www.fhfca.org](http://www.fhfca.org)

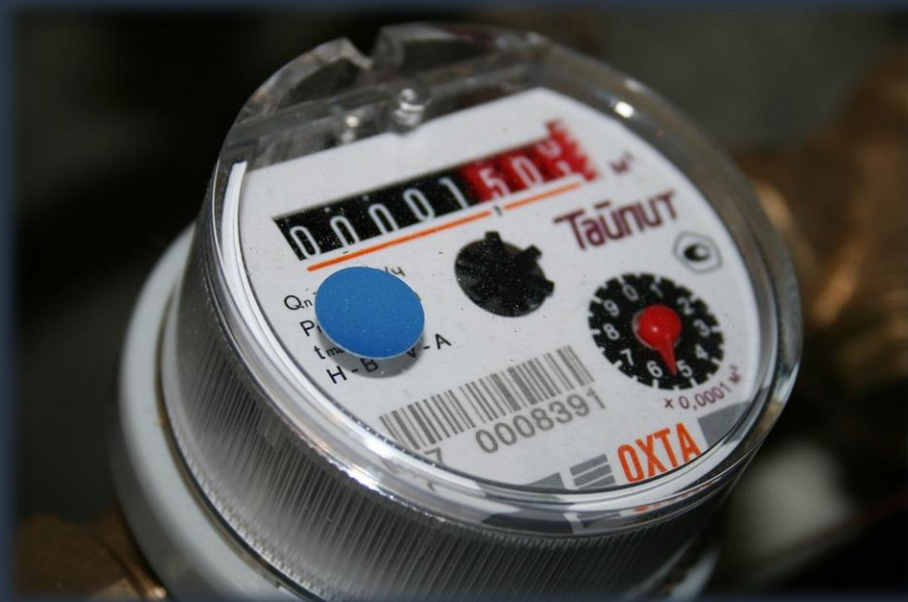
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# EVERY DROP COUNTS BY: ADRIENNE RAY

Water Sub meters: The 2018 law.... Does it affect you?



**W**ater sub-meters: This new law will become effective January 1, 2018. It will require that sub-meters be installed on all new mixed commercial/multi-family units and on all new multifamily residential units. It will require housing providers to bill tenants of these new units for the increment of water they use. If a multi-unit property has sub-meters that were installed prior to 2018 and the housing provider chooses to charge a tenant separately, the housing provider must comply with all the requirements of this law January 1, 2018. This law does not affect existing properties without sub-meters and a tenant is billed based on RUBS (ratio-allocation utility billing systems). The RUBS system *allocates the property's actual utility bill to the residents based on an occupant factor, square footage factor or a combination of both.* (1)

This new law requires every purveyor that provides water service ensures that any newly

constructed multiunit residential structure or newly constructed mixed-use (residential and commercial) has a meter for each unit or be sub metered if the request for water connection is submitted after January 1, 2018. It is at the discretion of the water purveyor as to whether they agree to install and read the meters. If the purveyor chooses not to install and read the meters, the burden is on the housing provider to do so. If a property had sub-meters installed prior to January 1, 2018 and the housing provider chooses to charge each tenant separately, the housing provider must comply with this new law as of January 1, 2018.

For the purpose complying with disclosures and billing accuracy, there are a number of requirements placed on the housing provider. The housing provider must disclose that a sub-meter will be used to charge the tenant separately for water usage prior to the execution of the rental agreement. That



disclosure must also include that in addition to the charges for volumetric use, it must also disclose that there will also be recurring portion of the fixed charge that is assigned by the water purveyor, the administrative fee and any late fee. The disclosure must also specify the charges be due at some point during the billing cycle. This law prohibits any other additional fees from the housing provider. The housing provider must also have this information readily available in writing to provide to the tenant: the date the sub-meter was last inspected, tested and verified; the data used to calculate the tenant's bill; as well as the location of the sub-meter. It also requires a housing provider to investigate and correct any issue that shows an abnormal reading that could indicate abnormal water usage.

A landlord is allowed to enter a unit in order to check on any issue relating to a sub-meter or water fixture as long as they comply with California Civil Code 1954 <sup>(2)</sup>. If a tenant is up to 25 days late paying the bill, a tenant can be charged a late fee up to \$7.00. If any portion remains unpaid on subsequent bills, a tenant can be charged up to \$10.00 as a late fee. However, the late fee cannot exceed 10% of the total unpaid portion in a 12-month period. If the late fee remains unpaid for 180 days after the due date or if the unpaid balance equals or exceeds \$200.00, the housing provider may serve the tenant a notice to perform covenant or quit and the proceed with an unlawful detainer. A notice to pay rent or quit cannot be served to collect these charges. <sup>(3)</sup>

## THE FAIR HOUSING TIMES IS PRESENTED BY

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## Be in The Know

Every case is different. If you have any doubts, questions or concerns; we encourage you to contact our office:

(800) 446- FAIR (3247)

(562) 989-1206

(714) 918-8001

[www.fhfca.org](http://www.fhfca.org)



(1)- [accurateutility.com](http://accurateutility.com)

(2) NOLO 16<sup>th</sup> Edition California Landlord Rights

(3)- California Assoc. of Realtors 2017 New Laws





## ASK S.A.M

Three of our longest standing staff respond to *your* questions. To submit your question, please email [receptionist@fhfca.org](mailto:receptionist@fhfca.org), with the subject “Dear S.A.M.”

Dear S.A.M.

In February 2018 I'll be living in my unit for 1 year. I live in a complex with 5 other units. Since the holidays are coming up people are obviously starting to decorate the inside and outside of their homes. I heard one tenant warning another tenant about hanging decorations outside because the owner doesn't like it. Can the owner tell us not to hang decorations outside?

~ Hoping I Can Decorate {Tustin, CA}

*Dear Hoping I Can Decorate,*

*Unfortunately, as a tenant in a property, you do not get to make the decision as to what “alterations” can be made to the property. It is at a housing provider's discretion as to what alterations they want to allow on their property. If a housing provider does not want to allow tenants to hang any decorations, it is not a violation of a civil code or a civil code procedure. However, if a housing provider allows one of their tenants to hang decorations, the housing provider must allow all their tenants to hang decorations.*

Dear S.A.M.

I have managed properties for well over 20 years now and I know laws and ordinances change. I'm writing because I'm managing this property and the owner is making all the tenants (over 100) obtain renter's insurance. Is he allowed to make such a request? Though I've been managing for a long time, this is the first time an owner has made it a requirement vs. a suggestion.

~ Covering All My Bases {Irvine, CA}

*Dear Covering All My Bases,*

*A housing provider can make it mandatory or optional for tenants' to obtain renter's insurance. It's not illegal just as long as the housing provider applies the rule to all in-place and perspective tenants. It has become more common for housing providers to make it mandatory for in-place tenants and perspective tenants to obtain renter's insurance. It forces the tenants to assume responsibility for damage to their own belongings.*



Dear S.A.M.

I've owned my home for about 17 years. I lived in it for the first few years and have since had tenants. I've been pretty lucky with my tenants. Now I'm planning on selling the home. I currently have tenants in the home. They've been there for about 2 ½ years and are on a month-to-month contract. What kind of notice do I need to give them? I'm not sure if whoever buys the house will want tenants in there.

~ For Sale {Downey, CA}

Dear For Sale,

As the owner, you will be required to give the tenants a 60-day written notice to terminate their tenancy since the tenants have occupied the unit for more than a year. You don't need to specify a reason as to why you are asking the tenants to move. The tenants will also be required to continue to pay until their notice expires. Make sure you do not accept rent beyond the expiration of the notice, because that will void it and you will be required to re-issue a new notice. If they were to have been on a lease, you and the new owners

would've been required to let them live out the remainder of their lease. Unless, the tenants agree to something else.

#### FAST FACT

If a housing provider serves a notice to terminate tenancy, the housing provider is entitled to rent money for the duration of that notice.



"Alone we can do so little. Together we can do so much."

-Helen Keller



# UPCOMING TRAININGS



- ❖ **Monday, 10/2/17-  
Certificate Management  
Training @ 9am-1pm**  
South Gate Civic Center  
8680 California Ave.  
South Gate, CA 90280
- ❖ **Wednesday, 10/4/17-  
Certificate Management  
Training @ 1pm-5pm**  
Progress Park West  
Community Center  
15500 Downey Ave.  
Paramount, CA 90723
- ❖ **Thursday, 10/5/17-  
Tenant Workshop @  
1pm-3pm**  
Norman P. Murray  
Community Center  
24932 Veterans Way.  
Mission Viejo, CA 92692
- ❖ **Wednesday, 10/11/17-  
Landlord Workshop @  
3pm-5pm**  
Walter Ehlers  
Community Center  
8150 Knott Ave.  
Buena Park, CA 90620
- ❖ **Thursday, 10/12/17-  
Certificate Management  
Training @ 1pm-5pm**  
11929 Alondra Blvd.  
Norwalk, CA 90650
- ❖ **Monday, 10/16/17-  
Walk-In Clinic @  
9am-12pm**  
Irvine Senior Center  
20 Lake Rd.  
Irvine, CA 92604
- ❖ **Monday, 10/16/17  
Tenant Workshop @  
2pm-4pm**  
Salt Lake Park  
Recreation Center  
3401 E. Florence Ave.  
Huntington Park, CA  
90255
- ❖ **Tuesday, 10/17/17-  
Tenant Workshop  
@ 2pm-4pm**  
Clifton C. Miller  
Community Center  
300 Centennial Way  
Tustin, CA 92780
- ❖ **Wednesday, 10/18/17-  
Landlord Workshop @  
2pm-4pm**  
Neighborhood Resource  
Center  
100 W. Broadway #550  
Long Beach, Ca 90802
- ❖ **Thursday, 10/19/17-  
Certificate Management  
Training @ 12pm-4pm**  
Westminster City Hall  
8200 Westminster Ave.  
Westminster, CA 92683
- ❖ **Monday, 10/23/17-  
Tenant Workshop @  
2pm-4pm**  
Balearic Community Ctr  
1975 Balearic Dr.  
Costa Mesa, CA 92626
- ❖ **Tuesday, 10/24/17-  
Certificate Management  
Training @ 1pm-5pm**  
Garden Grove City Hall  
11222 Acacia Parkway  
Garden Grove, CA 92840
- ❖ **Thursday, 10/26/17  
Certificate Management  
Training @ 1pm-5pm**  
Irvine Civic Center  
1 Civic Center Plaza  
Rm L102  
Irvine, CA 92606
- ❖ **Monday, 10/30/17-  
Certificate Management  
Training @ 12pm-4pm**  
CM Brakensiek Library  
9945 Flower St.  
Bellflower, CA 90706
- ❖ **Wednesday, 11/1/17-  
Tenant Workshop  
@ 3pm-5pm**  
Progress Park West  
Community Center  
15500 Downey Ave.  
Paramount, CA 90723
- ❖ **Thursday, 11/2/17-  
Certificate Management  
Training @ 12pm-4pm**  
La Habra City Hall  
110 E. La Habra Blvd.  
La Habra, CA 90631

If you would like  
more information on any  
event, please call  
(800) 446-3247, ext. 1111 or  
visit our [calendar](http://www.fhfca.org) at  
[www.fhfca.org](http://www.fhfca.org)  
**\*Space is limited,  
please RSVP\***





# VOLUNTEERS ARE THE HEART OF FAIR HOUSING FOUNDATION

Be the change you want to see!

Become a Fair Housing Tester & collect data that will make a difference.

We work with ALL types of schedules.

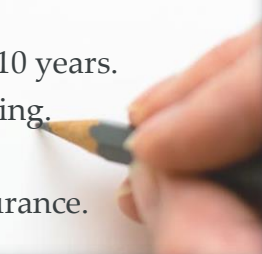
No cold calls. Modest stipend. Training provided.

We Need People of:

- ❖ All Ages
- ❖ All Races
- ❖ All Ethnicities
- ❖ All Disabilities
- ❖ All Genders
- ❖ All Orientations

Bilingual is a **plus** in any language.

## Are we looking for you?

1. Speak, Read and Write English Fluently.
  2. Be over 18 years of age.
  3. No arrests within the last 10 years.
  4. Attend and Pass the Training.
  5. Have Reliable Transportation & Car Insurance.
- 

For more information on becoming a tester, please contact Martha Torres at [mtorres@fhfca.org](mailto:mtorres@fhfca.org)



### Our Mission

The Fair Housing Foundation is a non-profit organization dedicated to eliminating discrimination.



