

THE FAIR HOUSING TIMES

VOLUME II

FAIR HOUSING FOUNDATION

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GENDER IDENTITY: EQUAL HOUSING

BY: MARTHA TORRES

This topic has become the theme of many conversations lately because it is sensationlized on TV and online. There is a lot of misrepresentation when

Planning and Development (CPD). This rule builds upon HUD's February 2012 final rule entitled, "Equal Access to Housing in HUD Programs Regardless of Sexual

"The real goal is being inclusive of people who are different from us, whether it be our gender, race, religion, sexual orientation, etc."

speaking to the type of impact it will have on housing. We wanted to take the opportunity to speak on it. On September 21, 2016, HUD published a final rule in the Federal Register entitled "Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs." Through this final rule, HUD ensures equal access to individuals in accordance with their gender identity in programs and shelter funded under programs administered by HUD's Office of Community

Orientation or Gender Identity" (2012 Equal Access Rule), which aimed to ensure that HUD's housing programs would be open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. The final

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CELEBRATING YOUR RIGHTS



...

Fair Housing Foundation hopes that everyone had a Happy Independence Day!

May the holiday remind us of the uncompromising American values of fair access and equal opportunity in housing. Let's be proud of how far we have come and realize there is still work to be done. We can all be a part of the solution and ensure a brighter future for all.



funding, as well as owners, operators, and managers of shelters, and other buildings and facilities and providers of services funded in whole or in part by any CPD program to grant equal access to such facilities, and other buildings and facilities, benefits, accommodations and services to individuals in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family. This is a significant advancement for inclusiveness and equality for transgender people in federally subsidized housing and the private sector. We live in a time where for the most part people strive to be accepting of diversity in their lives. Statements have been made declaring that diversity leads to a more enriched life, but diversity is not enough. The real goal is being inclusive of people who are different from us, whether it be our gender, race, religion, sexual orientation, etc. However, that may not be as easy to overcome.

Gender Identity means one's innermost concept of male, female, a blend of both or neither- it's how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth. One of the hurdles to overcome the difficulty of being accepting is to try and understand how we are more alike than different. Although it may be difficult to understand why someone may not identify with what it is expected, in the end regardless of how we choose to identify should not determine whether we have access to shelter, housing, and the right to be free from harassment; and that is something we can all agree on.¹ If you would like more information, please call FHF at 800-446-3247.

1.<https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule/>

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NATIONAL NIGHT OUT



...

Come out and celebrate
your community on

August 1, 2017

*Check your city website for
more local information.*

The goal is to build and
maintain community
partnerships to make
neighborhoods safer and
a more caring place to
live.

Fair Housing Foundation
will be participating in a
few of the local National
Nights with an
informational booth.
Check our calendar and
feel free to stop by!



CONGRATULATIONS TO THE WINNERS OF THE 33RD ANNUAL FAIR HOUSING POSTER CONTEST. IMPRESSIVE POSTERS BY INCREDIBLE KIDS!



1st Place



2nd Place



3rd Place



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 with the subject "*Testimonial*"

Fair Housing Story

A client with a disabled 20-year-old male son contacted our office after the client received a 60-day notice to terminate tenancy. The property is a single-family home. The client has lived at the property for 7 years. The client received the notice to terminate tenancy after client requested permission from the owner to install an accessible bathtub that was going to be provided by the Regional Center. The client's son suffers from several disabilities that requires full-time care. Due to the severe medical conditions of the client's son, it became a burden for client to bathe her son in a bathroom that is not equipped to accommodate his disability. Thus, the client could only bathe him periodically. However, by installing the accessible bathtub it would require the sink to be relocated to a different

wall. The Fair Housing laws makes it illegal for any housing provider to terminate a tenant's tenancy because a tenant requested permission to make a modification to the existing dwelling. FHF reached out to the owner and requested that owner allow the client to make the modification to the bathroom and rescind notice to terminate tenancy. FHF successfully engaged in an interactive process with the owner. The owner agreed to rescind notice to terminate tenancy and allow the tenant to make the modification to the bathroom. The client was able to continue her tenancy and make the necessary modifications to the bathroom in order to accommodate her son's disabilities.

FAST FACT

Relocation benefits are not required for areas that are not under a RSO (Rent Stabilization Ordinance).

General Housing Story

The Senior Housing Counselor is currently working on four (4) mediations for one property. She has resolved part of the issue; the most pressing issue. Each of the tenants have housing vouchers. Each unit was inspected by the Housing Authority (HAP) and each of the units failed inspection. After fixing the issues, the housing provider has passed the charges on to the tenant. The tenants stated the Housing Authority told them to call FHF for assistance because it was not an issue they would get involved in. The tenants' received notices to pay rent or quit after she sent letters advising management that the charges were not valid. The housing provider even included late fees on the pay rent or quit notice, which is unlawful. After contacting the onsite manager, she then contacted the manager of the management company. Management has rescinded the

notice to pay rent or quit and admitted it was the improper notice and the late fees are invalid. The housing provider is unfortunately trying to still add the charges to their ledger. After getting the contact information for the case workers for each client, she contacted the Housing Authority. After speaking with the case workers, she spoke with the Inspection Supervisor and was told that they were just made aware of the issue. Since the housing provider is adding charges to the tenant that are not the tenant's fault, it is a direct violation of the HAP contract the housing provided signed with the Housing Authority. The Inspection Supervisor is going to review everything and follow up with the housing provider. He will keep our counselor in the loop, but he has to have the caseworkers forward the necessary letters regarding the violations of the HAP contract.

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

Follow us on:



ON THE RISE BY: ADRIENNE RAY

Rent Increases: How and Who do they affect?



Rent increases are covered by California Civil Codes 827a and 827b. Unless a property is covered under a Rent Stabilization Ordinance, a housing provider can increase the rent by any amount if the housing provider provides the tenant with the proper written notice. California Civil Code 827a states a housing provider must provide a tenant with a 30-day notice of rent increase if they are increasing the rent by 10% or less during a 12-month period. If the rent is being increased by more than 10% in a 12-month period, the housing provider must provide a tenant with a 60-day notice before the new rent starts.⁽¹⁾

While there is not a limit to the amount of the increase, the housing provider should consider the possible negative business implications. If a tenant has been a good tenant; one who pays their rent on time; one who abides by the terms of the rental agreement or any addendums they have been served; one who takes care of the property and does not negatively impact the habitability of the unit; the housing provider should consider that tenant might have to vacate if the rent is increased by an excessive amount. Just because the civil code allows for large increases in rent,

the housing provider could put themselves at risk of having empty units because tenants cannot afford the amount of the increase. The other possible implication for the housing provider to consider is the possibility that the following tenants will not be able to afford the rent for an extended period. If that is the case, the housing provider will have to continually advertise the unit for rent, “turn over” the unit and find new “good tenants”. That could put the housing provider in a situation where they are losing money on their rental property.

Some housing providers read the civil code and feel that they don’t need to do anything to the unit to be able to increase the rent. There should be a basis for increasing the rent; even if there are small upgrades made to the property. A unit must meet the implied warranty of habitability at all times. Housing providers must ensure their units meet the guidelines set forth by the implied warranty of habitability. Just as a point of reference, the implied warranty of habitability is the minimum a unit must have in order to be considered habitable, and a unit must be considered habitable under the civil codes and state housing laws for a housing provider to be able to charge rent. There are several items

covered under the implied warranty of habitability but some of the “big stick” items follow. A habitable unit must have an operable heating facility. The unit must be weatherproof, waterproof, safe and secure. The unit must be free of pest infestations. The plumbing system must be in good repair connected to a sewage system in good repair. The electrical system must be up to the required code and cannot create a fire or safety hazard. The windows must be operable and be secure. The unit must have carbon monoxide and smoke detectors. As a housing provider, keep all those items in mind to ensure the unit is habitable before increasing the rent. The other; and very important, thing to consider when increasing the rent of the property is the unlawful detainer process. If you increase the rent to an amount a tenant cannot afford, that tenant could remain in the unit without paying the increase. If that occurs, you will have to comply with the proper eviction process in order to legally take back possession of the unit. The entire unlawful detainer process can be lengthy if the tenant fights the issue and proceeds with the court process.

On the flip side a tenant must take into consideration that owning and renting out an investment property is a business. Like any other business, the person who has invested their capital would like to ensure they run it smoothly and benefit accordingly. Whether they are renting a room, space, converted space, apartment or house; an owner has the right to ensure they are keeping up with the fair market value.

FAST FACT

A housing provider is not required to keep your security deposit in an interest accruing account.

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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



(1)- NOLO 16th Edition California Landlord Rights



ASK S.A.M

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

Dear S.A.M.

I called about an apartment I saw an online ad for. When I called the female who answered only spoke Spanish. She rushed me off the phone saying she didn't speak English. I had a friend call who speaks Spanish and she was given all the information about the available apartment. Is that legal? This feels wrong to me.

-Monolingual Renter {La Habra, CA}

Dear Monolingual Renter,

This can be a violation of the fair housing laws based on national origin. A housing provider cannot discourage or refuse to provide information about the available unit, because the prospective tenant does not speak Spanish. You can contact your local fair housing agency for further assistance.

Dear S.A.M.

I've owned my duplex for a little over a year. Since it's been getting hot, my tenants say that I need to provide air conditioning. Is this true? I don't have the budget to install central air.

-A/C Blues {South Gate, CA}

Dear A/C Blues,

A housing provider is not legally required to provide air conditioning based on the implied warranty of habitability. As a housing provider, you are required to ensure your unit meets the implied warranty of habitability set forth by California civil codes, state housing laws and building codes. An air conditioning unit is considered an amenity. However, keep in mind, if you happen to install air conditioning units on the property, you would then be liable for the upkeep.

Dear S.A.M.

I've lived in my house for about 7 years now. I've never had any major issues here and the owner is usually pretty good when it comes to repairs. However, after the rainy season we had some major mold issues. The owner comes and just cleans/wipes it off. It's gone for a while and then will reappear on the walls. It's not only in the bathroom, but even on my bedroom walls. I was cleaning my guest bedroom and noticed mold growing on the back of the headboard on the bed. I don't know if she thought the summer heat would dry it up, but it's still very present. What else can I do? She doesn't seem to have any real plans to fix the issue.

-Got Mold? {Irvine, CA}

Dear Got Mold,
Mold is among the most controversial of environmental hazards. The landlord's responsibilities regarding mold have not been clearly defined in building codes, ordinances, statutes, and regulations. Mold comes in various colors and shapes. Mold can hide between walls, under floors and ceilings, or in less accessible spots such as basements and attics. Not all mold is harmful to your health. It takes an expert to know whether a particular mold is harmful. It is essential that you continue to notify the landlord of leaks, condensation, visible mold, or a moldy smell, and describe any impact that it may be having on your family's health. Ask your landlord to have an assessment done by a professional mold inspector, one who will prepare a plan to remediate the mold. If the landlord refuses, then you have the option to pay for an assessment yourself. However, keep in

mind if you proceed and deduct from the rent, you open yourself up for the risk of eviction. Another way to recover any damages would be in small claims court, if the amount doesn't exceed \$10,000.

FAST FACT

Complexes that have 16 or more units are required to have an onsite manager.



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

-Helen Keller

UPCOMING TRAININGS



Below are just a *few*
of our upcoming
trainings.
We will be consistently
adding more trainings.
Please feel free to
check our website
www.fhfca.org

❖ **Thursday, 7/13/17-
Tenant Workshop @
10am-12pm**
County Community
Service Center
15460 Magnolia St.
Westminster, Ca 92683

❖ **Monday, 7/17/17-
Tenant Workshop
@ 3pm-5pm**
Norwalk Social Service
Center
11929 Alondra Blvd.
Norwalk, CA 90650

❖ **Thursday, 7/20/17-
Certificate Management
Training @ 12pm-4pm**
Neighborhood Resource
Center
100 W. Broadway #550
Long Beach, Ca 90802

❖ **Monday 7/24/17-
Walk-In Clinic @
10am-12pm**
Huntington Beach City
Hall
2000 Main St.
Huntington Beach, Ca
92648

❖ **Wednesday 7/26/17-
Tenant Workshop
@ 3pm-5pm**
Norwalk Social Service
Center
11929 Alondra Blvd.
Norwalk, CA 90650

❖ **Tuesday, 8/15/17-
Landlord Workshop
@ 2pm-4pm**
Neighborhood Resource
Center
100 W. Broadway #550
Long Beach, Ca 90802

❖ **Monday, 8/21/17-
Walk-In Clinic @ 9am-
12pm Irvine Senior Ctr**
20 Lake Rd.
Irvine, Ca 92604

❖ **Wednesday, 8/23/17-
Landlord Workshop
@ 3pm-5pm**
Norwalk Social Service
Center
11929 Alondra Blvd.
Norwalk, Ca 90650

❖ **Monday, 8/28/17-
Walk-In Clinic
@ 10am-12pm**
Huntington Beach City
Hall
2000 Main St.
Huntington Beach, Ca
92648

❖ **Wednesday, 9/13/17-
Tenant Workshop
@ 3pm-5pm**
Irvine Civic Center
1 Civic Center Plaza
Irvine, Ca 92606

❖ **Thursday, 9/14/17-
Certificate Management
Training @ 12pm-4pm**
Neighborhood Resource
Center
100 W. Broadway #550
Long Beach, Ca 90802

❖ **Monday 9/25/17-
Walk-In Clinic @
10am-12pm**
Huntington Beach City
Hall
2000 Main St.
Huntington Beach, Ca
92648

❖ **Wednesday, 9/27/17-
Tenant Workshop
@ 2pm-4pm**
Neighborhood Resource
Center
100 W. Broadway #550
Long Beach, Ca 90802

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
***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?

Qualifications:

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



Our Mission



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