

THE FAIR HOUSING TIMES

VOLUME VI

FAIR HOUSING FOUNDATION

JULY 2018 – SEP 2018

CRIMINAL BACKGROUNDS & FAIR HOUSING

BY: MARTHA TORRES

On April 4, 2016, HUD's Office of General Counsel released a guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions ⁽¹⁾. The Federal Fair Housing Act prohibits discrimination in the sale, rental or financing of the dwelling on the basis of Race, Color, National Origin, Religion, Sex, Disability and Familial Status. The guidance makes it clear that although criminal history is not protected under the federal law, it may be seen as a way to have a direct desperate impact towards people based on Race or National Origin. According to the guidance, it reports that as many as 100 million U. S adults or nearly one-third of the population have a criminal record of some sort ⁽²⁾. African

Americans and Hispanics are incarcerated at a disproportionate rate compared to Caucasians for the same or similar crimes. Thus, making it more difficult to secure housing, which may violate the Fair Housing Act. Denying an application because of a criminal background may be justified in some instances, depending on the crime. However, establishing blanket policies denying housing on that single basis may have adverse effects against one protected group over another. HUD notes that each case would need to be evaluated on a case by case basis to

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NATIONAL NIGHT OUT



...

Come out and celebrate your community on

August 7, 2018

Check your city website for more local information.

The goal of National Night Out 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.



determine the nature and severity, as well as the length of time that has passed since the conviction.

This topic sparked a conversation during one of our trainings when a housing provider decided to share his experience. He had an applicant who had been convicted in his early twenties. Years later the applicant had moved onto get an education, secure employment with a salary that met the housing providers criteria and had very good references from his previous landlord. In this case, the housing provider was at a cross roads since the applicant presently met his criteria. However, due to the housing providers strict policy of denying applicants with criminal histories, he felt the need to have to deny the application. After some discussion, the housing provider decided to change his policy to consider the entire application criteria; including the applicant's amount of income, credit and references and not just

base it on the criminal background. While the Fair Housing Act does not prohibit housing providers from taking into consideration the applicant's criminal background when deciding to rent to someone. The housing providers must have legally sufficient justification for the denial. HUD also highly suggests that arrest records not be used to deny an application. They conclude that being arrested does not necessarily mean that the person engaged in the illegal activity or that a crime was committed. If ever in doubt contacting the Fair Housing Foundation will relieve any uncertainty.

(1) (2)
https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF

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SUMMER IS HERE

...

We will be out enjoying the great weather and making sure people know their rights! You'll find us at these next few events.



Care1st Back to School Event
Saturday, 7/21/18
from 10am-1pm
5926 Pacific Blvd.
Huntington Park

...



Anaheim Unified School District's Back to School Fair
Saturday, 7/28/18
from 8am-12pm
2450 W. Ball Rd. Anaheim

...



FAM Resource Fair
Saturday, 8/11/18
from 9am-12pm
1030 Calle Negocio
San Clemente

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

True Lasting Connections Family Resource Ctr

<http://www.dusd.net/tlc/>



The TLC program mission is to “create a True Lasting Connection between the City of Downey and the families of the Downey Unified School District to ensure healthy and successful futures for all our children.” When you participate in the TLC program, they will assign a case worker who assists children and their families with health issues, child abuse concerns, family instability, mental health support, critical life needs, and parenting skills. They are the connection between the families and the services that are available to them. They support the families to ensure follow-up on the referrals and take the necessary action needed to make lasting progress toward their goals. The case workers also screen families for financial need and then are matched with appropriate programs. TLC has more than 50 agencies they work with who are dedicated to providing effective support to the children and their families. TLC ensures that each student receives the physical, emotional and intellectual support he or she needs. TLC graciously provides the following services:

- ❖ Medical Services
- ❖ Vision Care
- ❖ Dental Care
- ❖ Teens in Crisis
- ❖ Parental Education
- ❖ Food and Clothing
- ❖ Counseling/Support Groups

- ❖ Referral Services
- ❖ Low Cost Health Insurance Enrollment
- ❖ Homeless Support

**** All health services offered at True Lasting Connections are free to children uninsured/underinsured.**

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"

Housing Provider Goes Above and Beyond with this Reasonable Accommodation!

The Fair Housing Foundation assisted a disabled resident in the city of Anaheim with a reasonable accommodation. The resident is not only wheelchair bound with limited mobilities, but also elderly. The resident lived alone in the apartment building for over 13 years and is currently on Section 8. After many years of living in the apartment building the resident was served with a ninety (90) day notice of termination of tenancy. It had been difficult for the resident and adult children who were helping the resident to find an apartment that accepts the Section 8 program. They needed a unit that not only accepted the voucher but was also accessible to resident's medical needs. The Fair Housing Foundation worked closely with the housing provider's

attorney and reached an agreement that was satisfying to the resident. The housing provider's attorney extended the notice of termination of tenancy an additional three (3) months that made it a total of 6 months. Unfortunately, right before the extension of tenancy expired the resident's adult children contacted FHF again stating that they had been actively searching alternative housing, but came across several obstacles. They wanted to make another request for an extension of tenancy. The housing provider's attorney agreed to a second extension of tenancy. This is a wonderful example on how some housing providers more than accommodate residents' requests.

Incredibly Successful Mediation!

We had an owner who came in regarding some tenants' who have been residing at a property for several years. The owner stated the tenants often verbally complained regarding of a foul odor coming from the pipes. The owner attempted to resolve the issue, but was unsuccessful.

Unfortunately, the owner's make a regretful decision in ignoring the tenants' subsequent complaints regarding the odor. Recently, the City inspected the property and red tagged it. Red tagging the property means the tenants need to vacate the property within 3-days because it was a hazardous environment.

Understandably, the tenants were overwhelmed, stressed, and afraid about what to do next. They did not have any alternative housing options and very little income available. The owners were panicking as well and didn't offer much in the way of assistance and pressured them to vacate with threats of eviction.

The tenants were unsure if they had any rights to request any assistance from the owner. They contacted us in search of help and answers to their questions. After speaking with a counselor, the tenants agreed to allow us to reach out and contact the owner.

We reached out to the owner and again explained the rights and responsibilities for both parties. During our conversation we were able to reach a successful mediation for everyone involved. The owner agreed to return the tenants rent for the current month, provide them two additional month's rent, along with their entire deposit back. That amount totaled over \$3,000, which was a huge help in the moving process. Due to the financial assistance from the owner, the tenants were able to store the belongs, until they were able to find suitable housing a month later.

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:



HUD'S PROPOSED RENT INCREASES BY: ADRIENNE RAY



On April 25, 2018, Housing Secretary Ben Carson proposed the “Making Affordable Housing Work Act”.

Secretary Carson has suggested the changes he is proposing would lead the participants in the affordable housing programs to self-sufficiency. Secretary Carson wants to allow local Housing Authority Offices to impose work requirements, increase the participants minimum rent payments and eliminate deductions for child care and medical care. He has stated that the elderly and disabled will be exempt. However, changes have been made to the definitions of elderly households and disabled households for the purpose of calculating rent.

The Making Affordable Housing Work Act would increase the minimum participant contribution from 30% of the household income to 35% of the household income. Under the current affordable housing guidelines, a participant can contribute as little as \$50.00 per month in rent. Under the

proposed guidelines, the minimum contribution would increase to \$150.00 per month. The monthly payment of \$150.00 was derived from the amount an individual would earn for working approximately 15 hours per week at a federal minimum wage job. Under the proposed guidelines, if the amount a participant would contribute is higher by calculating 35% of their income, the participant would have to pay the higher figure. The act itself also allows for the Secretary of Housing to make adjustments to the minimum work hours for rent calculations.

Under the proposed changes, the local housing authority offices and owners can implement work requirements for the participants. The work requirements cannot be applied to elderly families or participants 65 or older, participants who are disabled or disabled families. As part of the proposed changes, the Secretary of Housing is also required to establish criteria that will ensure

there is not a disparate impact on any one portion of the population.

The Making Affordable Housing Work Act will reduce the frequency of income reviews. Under current guidelines, participants' income is reviewed annually. Secretary Carson is proposing income reviews every three years; unless the participants' income increases by more than 10%. A participant can request a review of their income when their income has decreased. Based on the act itself, this is to incentivize participants by allowing them to retain a portion of their increased income during the review periods.

There are many other proposed changes made under the Making Affordable Housing Work Act, but these are the most drastic of changes. To date, this bill has yet to be voted on by Congress ⁽¹⁾.

(1) <https://www.hud.gov/sites/dfiles/Main/documents/RentReformLegislativeText.pdf>



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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





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’ve been living in my place for almost 5 years. I think there’s about 20 apartments in total. We were all given a notice to leave. I’m so confused! I allowed them all the inspections they wanted and now I get this notice. Can they just kick out a whole building like that?

~Not Prepared to Move {South Gate, CA}

Dear Not Prepared to Move,

Whether or not a housing provider can terminate tenancy is based on the type the tenancy those residents have; whether they are on a fixed term lease or on a month to month agreement. Based on current California Civil Code 1946 and 1946.1 a housing provider can ask a resident to vacate at any time without a reason. That means that a resident that has lived on a property for less than one year can be served a 30-day notice to terminate tenancy. A resident that lived there for more than a year, a 60-day notice would need to be given. However, if the resident is on a fixed term lease, the owner would have to allow the resident to live out the duration of the lease agreement.

Dear S.A.M.

I manage a building that has 16 units. I have a tenant who’s been here for some time, and unfortunately has become ill and requires a caretaker. I asked for this person to apply and go through the process, but the tenant told me that wasn’t necessary because she’s a caretaker and can’t be viewed as a tenant. Please tell me if this is true.

~ Ready with an Application {Buena Park, CA}

Dear Ready with an Application,

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 housing provider’s business. Housing providers cannot require that a caregiver be added to the lease.

Dear S.A.M.

I am an owner who's owned my building for a long time. However, about 2 years ago, I converted my building to strictly take Section 8. I have a lot of issues regarding some tenants smoking and other tenants complaining. I'd ideally like to make it a smoke-free building. I don't think it should be too hard since there's only about 30 units. Can I ask them to become smoke-free?

~ Smoking Prohibited {La Habra, CA}

Dear Smoking Prohibited,

Many Public Housing Authorities (PHAs) already have a smoke-free policy. HUD's rule requires that all PHAs implement a smoke-free policy within 18 months of February 3, 2017, the date HUD's rule went into effect. HUD's rule requires that smoking be banned in units, common areas, and within 25 feet of the building. HUD suggests that, because the smoke-free policies are meant to improve air quality and health of residents, reasonable accommodations to smoke in the unit would not be granted. However, all reasonable accommodation requests are to be

decided on a case-by-case basis. Accommodations that pose an undue financial or administrative burden or that constitute a fundamental alteration of the nature of the program would not be considered reasonable. Additionally, if the tenancy would pose a direct threat to the health or safety of others or result in substantial physical damage to the property of others, the PHA would not have to continue that tenancy; unless the threat can be eliminated or significantly reduced by reasonable accommodation. However, an in-place or prospective tenant can still request an exception to your PHA's smoke-free policy as a reasonable accommodation. They should have a letter from a treating professional to support their disability-related need for the exception to the smoke-free policy. Though the PHA will likely not grant such an accommodation, it should engage in an interactive process of negotiation to determine what alternatives, if any, can allow for your disability-related need to be met without posing an undue burden, fundamental alteration, or direct threat to health and safety of others.



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

-Helen Keller

UPCOMING TRAININGS



- ❖ **Monday, 7/23/18-**
Tenant Rights
Workshop 3pm-5pm
Norwalk Social Service
Center
11929 Alondra Blvd.
Norwalk, Ca 90650
- ❖ **Tuesday, 7/24/18-**
Landlord Rights
Workshop @ 3pm-5pm
South Gate Civic Center
8680 California Ave.
South Gate, Ca 90280
- ❖ **Wednesday, 7/25/18**
Walk-In Clinic
@ 2pm-4pm
Oak View Family
Resource Center
17261 Oak Lane
Huntington Beach, Ca
92647
- ❖ **Tuesday, 8/14/18-**
Landlord Workshop @
3pm-5pm
Norwalk Social Service
Center
11929 Alondra Blvd.
Norwalk, Ca 90650
- ❖ **Monday 8/27/18-**
Walk-In Clinic
@ 10am-12pm
2000 Main St.
Huntington Beach, Ca
92648
- ❖ **Wednesday, 9/5/18-**
Tenant Rights
Workshop @ 3pm-5pm
South Gate Civic Center
8680 California Ave.
South Gate, Ca 90280
- ❖ **Thursday, 9/20/18**
Oak View Family
Resource Center
17261 Oak Lane
Huntington Beach, Ca
92647

If you would like
more information on any
event, please call
(800) 446-3247, ext. 1111
***Space is limited,
please RSVP***

Attend a Free Workshop!!

Even though our fiscal year is coming to an end, we will be adding many more workshops and trainings. As we get them scheduled we will post them.

Please feel free to visit the
[calendar](http://www.fhfca.org) on our website
www.fhfca.org





I THINK
YOU ARE
THE ONE
THEY ARE
LOOKING FOR!



Make their tomorrow a better one!

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

We work with ALL types of schedules.

No cold calls. Training provided. Modest stipend.

We Need People of:

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

Bilingual in any language is a PLUS!

All you need to do is:

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

Upcoming Trainings Available!

For more information, please contact Martha Torres at mtorres@fhfca.org



“Volunteers do not necessarily have the time; they just have the heart.”

~ Elizabeth Andrew

