

SMOKING PROHIBITED? BY: ADRIENNE BY

There as has been a debate for quite some time regarding smoking at rental properties. Rental properties are not required to follow the same smoking

provider may prohibit the use of any tobacco products on the property. The housing providers rules can also state whether or not hookahs, e-cigs and/or vapes are allowed on the

A housing provider can issue a change in terms of tenancy notice.

guidelines that are set for restaurants or places of business. It is important to understand that it is at the discretion of the housing provider as to whether or not they want to allow smoking on their property. As more people are becoming more aware and comprehending health issues, more housing providers are no longer allowing smoking on their properties. Based on California Civil Code 1947.5(a) (1), a housing

property.

Some housing providers do not allow smoking inside the units on the property, but will allow smoking in designated areas. It is generally an area that is furthest away from tenants'

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THE NEW YEAR IS HERE!



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Happy New Year!!
May your year be filled with new opportunities.

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Fair Housing Foundation hopes 2018 is off to a great start!

...



to minimize the amount of impact it has on the interior of units on the property. If that is the case, the designated smoking areas must be specified in the rental agreement in order to be in compliance with California Civil Code 1947.5(b)(1)(2). A housing provider could require there be no smoking inside a unit and it could actually assist tenants in getting back their security deposit. In California, a deposit is used for owed rent, late fees and/or any damage that is caused to the property beyond normal wear and tear. The damage caused by smoking in a unit is **not** considered normal wear and tear since it is something the tenant actively does to the unit. Therefore, a housing provider could charge the tenant to get the smoke damage out of the unit. That includes, but is not limited to; the cost of priming the unit before repainting to get rid of the odor of cigarette smoke as

well as sanitizing the entire unit to get rid of the same odors. We receive a number of calls from clients who have resided at properties for a great length of time and have been allowed to smoke; whether inside their unit or in a common area. Those clients are concerned that the housing provider wants to convert the property to a non-smoking property. As previously stated, a housing provider can decide to not allow smoking anywhere on their property. Therefore, a housing provider can issue a change in terms of tenancy notice and make it a rule that smoking is no longer allowed. Regardless of the stated or known health concerns, some housing providers still allow smoking on the property. In those instances where smoking is allowed at a property and the smoke negatively exacerbates a non-smoking tenants medical condition or disability, that tenant can request a reasonable

accommodation. In the event a reasonable accommodation is requested, there will need to be adequate medical documentation to support the need for the request. With that supporting documentation, we here at Fair Housing Foundation we can assist with a reasonable accommodation request.

(1)(2)- Nolo 16th Edition California Landlord Rights

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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.

Buena Clinton Youth & Family Center

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



The Buena Clinton Youth and Family Center provides no-cost to low cost programs and services focused on youth enrichment, safety, and community involvement/mobilization. Since 1999 the center has been offering incredible and invaluable services, such as: afterschool snacks program for kids, case management, parenting classes, team advocates for special needs kids, teen leadership clubs, scholarship opportunities, and much more! Not only do they strengthen the community with their services, they host the monthly Buena Clinton Neighborhood Coalition meeting. There are several community partners that participate and collaborate to provide an array of resources and services. That golden group includes:

- ❖ Alta Med
- ❖ Boys & Girls Club of Garden Grove
- ❖ Casa Youth Shelter
- ❖ City of Garden Grove
- ❖ Children's Health Initiative of OC
- ❖ Clinton Corner Family Campus
- ❖ Consumer Credit Counseling Service of OC
- ❖ Fair Housing Foundation
- ❖ Family Support Network
- ❖ Garden Grove Drug-Free Coalition
- ❖ Garden Grove Police Department
- ❖ Garden Grove Unified School District
- ❖ Healthy Smiles of OC
- ❖ Help Me Grow OC
- ❖ Jamboree Housing Corporation
- ❖ Magnolia Park Family Resource Center
- ❖ Migrant Education
- ❖ Santiago High School
- ❖ The Raise Foundation
- ❖ Thomas House Shelter

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 Foundation and Department of Fair Employment & Housing Team Up to Mediate for Success!

The Fair Housing Foundation (FHF) reached a \$9,300 settlement. The client was awarded \$7,000 and FHF \$2,300. The complaint was settled through the Department of Fair Employment and Housing. FHF received a complaint from an elderly disabled woman who was denied making a modification in the bathroom to install grab bars. The client had contacted two (2) agencies within the City for assistance with providing the grab bars and installation. The client was approved for these services. However, the owner denied the modification request. During the entire process, the owner could not provide substantial evidence to prove that allowing the client to make the modification to the bathroom would pose an undue or administrative burden to them. The owner refused to engage in any interactive

dialogue with the client to accommodate the disability. The tenant has resided there for many years and had informed the owner of the various habitability repairs that were needed. Unfortunately, those requests were not attended to and things worsened. The client chose to withhold rent because of the condition of the unit and followed the proper steps in doing so. Regrettably, while the Department of Fair Employment and Housing (DFEH) finalized their investigation, the client was evicted. The client was not able to find alternative housing due to the eviction on her credit report. The DFEH mediation concluded as successfully conciliated, the terms included: that the client receive the monetary compensation, as well as dismissal of the eviction judgement against the client.

Stand Up Landlord Follows the Rules!

The client is a resident of a local Los Angeles County city. He had not had a rent increase for the entire duration of his tenancy, nor had he been required to pay a security deposit when he first moved in many years ago. The client received a rent increase notice at the beginning of December increasing his rent by more than 10%. After I contacted his housing provider, she agreed to rescind the notice and increase the rent by no more than 10%. The housing provider was not aware of the Executive Order set in place by Governor Brown in October 2017. I followed up with Mr. Luperena and he was served a new notice with a valid rent increase.

Did You Know?

54% of California residents
reside in Southern
California ⁽¹⁾

(1) <http://www.regencyrealestate.com/2016/02/05/infographic-16-interesting-facts-about-californias-real-estate-market/>

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:



BEWARE OF EVICTION SCAMS BY: MARTHA TORRES

People are being promised the world.



People who are facing eviction are generally in an extremely vulnerable financial situation. Many times, people find themselves in both emotionally and financially stressful circumstances and are not ready to relocate. In some instances, the eviction process is started because of non-payment, in other cases it is because they did not move out at the end of their notice. According to the 2016 California Apartment List Rent Report by Apartmentlist⁽¹⁾, they state that the average rent for a one bedroom unit in Anaheim was \$1,430.00 a month and \$1500.00 a month in Long Beach. Given the rent amount, this would mean the person who is looking to move out would be paying upwards of \$4,290.00 - \$4,500.00 for first month's rent and a security deposit. We regularly see tenants who have fallen behind on the rent and do not have the financial resources

available and are more likely to fall prey to groups that scam people into believing that they can delay the eviction for anywhere from three to six months. People are being told they can do so without having to pay rent and stop the eviction and/or even in some cases get them back into the units. These groups will charge fees ranging from \$99.00 to \$449.00, but cannot guarantee these results. These tenants will most likely still have to return possession of the unit, pay any unpaid rent, pay any additional attorney fees and will most likely have the eviction on their credit report for the next five to seven years as a public record.

The eviction process is a legal proceeding and requires that the tenant file an "Answer" or "Response to the Summons and Complaint" within five days of receiving the summons. Once filed, the court will set a

Tenants must make sure that they seek information and assistance from reputable agencies. The Fair Housing Foundation is readily available to answer questions and assist with composing an “Answer” to the Unlawful Detainer, but does not offer representation. The Fair Housing Foundation does not charge for this service, nor is immigration status a barrier for receiving assistance. You may also wish to contact your local Legal Aid office or seek advice from a private attorney. Also keep in mind, if the eviction process has been started because of non-payment of rent there are viable community based organizations that may be able to assist monetarily if the funds are available.

(1)<https://www.apartmentlist.com/rentonomics/california-rent-report-rentonomics/>

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





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’m a landlord for a property. It’s not very big, but does have multiple tenants. The owner told me that she wanted to increase the rent for some of the tenant’s whose lease will be up soon. I was about to proceed as usual, until I spoke to one of my other manager friends. She told me about a rent increase temporary suspension. Is that true and what does it mean?

~By the Book {Anaheim, CA}

Dear By the Book,

Currently, there is not a suspension on rent increases. There is however a limit on the percentage a housing provider can increase the rent; even in properties that are not covered by a rent stabilization ordinance. Under normal circumstances, a housing provider just had to follow the guidelines set for by California Civil Code 827a and/or California Civil Code 827b. The aforementioned civil codes state a housing provider must give a tenant a 30-day notice if they want to increase the rent by 10% or less or a 60-day notice if

they are increasing the rent by more than 10%. In October 2017, Governor Jerry Brown issued an Executive Order on price gouging in the wake of the North Bay Fires. It was issued after Governor Brown issued a State of Emergency. Unfortunately, price gouging is a very common occurrence when there is a high demand for something. Governor Brown wanted to ensure that did not occur. The Executive Order prevents the increase on any goods or services to 10%. Therefore, a housing provider cannot increase rent by any more than 10% of the current rent. This limitation on rent increases is to stay in place until April 18, 2018. Also, a housing provider cannot terminate the tenancy of their current tenant in an effort to get more than a 10% increase in the rent from a new tenant. Any housing provider convicted of violating the Executive Order could face up to one year of incarceration, a fine up to \$100,000, or both and additional civil penalties.

Dear S.A.M.,

I manage a building of about 25 units. It's usually quiet and fairly easy to manage. But we've had new tenants that moved in about 5 months ago and they make tons of noise and park wherever they want. I gave them notices about the excessive noise and parking issues, but they say they're on a lease and I can't really do anything. I think I'm going to have them towed the next time they park in an unassigned spot. Would I be liable for anything?

~Don't Want to be the Bad Guy [Norwalk, CA]

Dear Don't Want to be the Bad Guy,

If the contract states parking spaces are assigned and states that cars can be towed. You are able to tow the cars without liability. The tenants should at least be served a 3 Day Perform/Quit notice regarding the noise and violating the parking rules. Regardless if they are on or lease or not, the rules apply to them too.

Dear S.A.M.,

I have been renting here for about 4 years now. All has been going pretty good. My only concern is that it's starting to get cold and my heater has barely been working. This was a problem towards the end of last winter. I told the managers and waited for them to address it and then spring came. How do I get them to fix my heater? Or do they even have to?

~Brrrr! It's Cold Outside {San Clemente, CA}

Dear Brrrr! It's Cold Outside,

By law, landlords and/owners must maintain and repair their rental property in accordance with certain minimum standards (CC § 1941.1-1941.3 and the Uniform Housing Code). A heating system must be maintained in good working order. I would encourage you to follow up with management regarding the heat and make sure to keep a paper trail of your requests.



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

-Helen Keller

UPCOMING TRAININGS



- ❖ **Tuesday, 1/9/18-
Landlord Workshop @
2pm-4pm**
Westminster City Hall
8200 Westminster Ave.
Westminster, CA 92683
- ❖ **Thursday, 1/18/18-
Certificate Management
Training @ 12pm-4pm**
Norman P. Murray
Community Center
24932 Veterans Way.
Mission Viejo, CA 92692
- ❖ **Monday, 1/22/18-
Tenant Workshop @
3pm-5pm**
La Habra
Community Center
101 W. La Habra Blvd.
La Habra, CA 90631
- ❖ **Wednesday, 1/24/18-
Walk-In Clinic @
2pm-4pm**
Oak View Family
Resource Center
17261 Oak Lane
Huntington Beach, CA
92647
- ❖ **Wednesday, 1/24/18-
Tenant Workshop @
3pm-5pm**
Orange City Hall

300 E. Chapman Ave.
Orange, CA 92866

- ❖ **Thursday, 1/25/18
Certificate Management
Training @ 12pm-4pm**
Salt Lake Park
Recreation Center
3401 E. Florence Ave.
Huntington Park, CA
90255
- ❖ **Monday, 1/29/18
Walk-In Clinic @
2pm-4pm**
Irvine Civic Center
1 Civic Center Plaza
Irvine, CA 92606
- ❖ **Wednesday, 1/31/18-
Tenant Workshop @
3pm-5pm**
Fullerton Library
353 W. Commonwealth
Ave. Fullerton, CA 92832
- ❖ **Monday, 2/5/18-
Landlord Workshop @
3pm-5pm**
Garden Grove City Hall
11222 Acacia Pkwy.
Garden Grove, CA 92840
- ❖ **Wednesday, 2/7/18-
Tenant Workshop @
2pm-4pm**
Balearic Community Ctr
1975 Balearic Dr.
Costa Mesa, CA 92626
- ❖ **Thursday, 2/8/17-
Certificate Management
Training @ 12pm-4pm**
Balearic Community Ctr
1975 Balearic Dr.
Costa Mesa, CA 92626
- ❖ **Wednesday, 2/14/18
Tenant Workshop @
3pm-5pm**

Walter Ehlers
Community Center
8150 Knott Ave.
Buena Park, CA 90620

- ❖ **Thursday, 2/22/18
Tenant Workshop @
2pm-4pm**
Irvine Civic Center
1 Civic Center Plaza
Irvine, CA 92606
- ❖ **Monday, 2/26/18
Walk-In Clinic @
10am-12pm**
Huntington Beach
City Hall
2000 Main St
Huntington Beach, CA
92648
- ❖ **Tuesday, 2/27/18-
Tenant Workshop @
3pm-5pm**
11929 Alondra Blvd.
Norwalk, CA 90650
- ❖ **Wednesday, 3/7/18
Tenant Workshop @
2pm-4pm**
Salt Lake Park
Recreation Center
3401 E. Florence Ave.
Huntington Park, CA
90255

If you would like
more information on any
event, please call
(800) 446-3247, ext. 1111 or
visit our [calendar](#) 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.

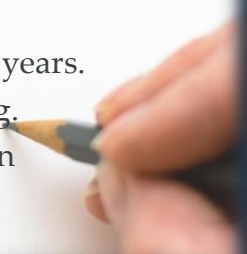
No cold calls. Modest stipend. Training provided.

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?

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.

