

# THE FAIR HOUSING TIMES

VOLUME XII

FAIR HOUSING FOUNDATION

APRIL 2020 – JUNE 2020

## DISCRIMINATING AGAINST COVID-19

BY: SINDY GUZMAN

**O**n March 4, 2020. Governor Newsom proclaimed a state of emergency. Governor Newsom signed Executive Order N-37-20, prohibiting the enforcement of any eviction for nonpayment of rent related to COVID-19 through May 31, 2020.

However, many local jurisdictions have imposed further restrictions on the ability of landlord to evict tenants during this emergency. The National Fair Housing Alliance (NFHA) released a memo on April 9, 2020 “COVID-19, Illegal Housing Discrimination, and

*Protections for People with Disabilities and Those Who Care for Them under the Fair Housing Act*”. It states that one of the primary purposes of disability

discrimination laws is to protect individuals with disabilities from discrimination based on prejudice, stereotypes or unfounded fears. People suffering from COVID-19 may have a disability as defined by the federal Fair housing Act and state or local laws. The law covers discrimination that may occur in apartment buildings, condominiums, nursing homes, homeless shelters, transitional housing and other kinds of housing, regardless of how the housing is funded. Therefore, housing discrimination such as the

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## SUMMER IS UPON US



• • •

We hope you and yours  
are staying safe and  
healthy

• • •



• • •

Fair Housing Foundation  
is sending good summer  
vibes!

• • •



unlawful denial of housing, inquiries about whether a person has COVID-19, or imposition of limitations in access to housing or housing-related services because of COVID-19 may constitute illegal discrimination. The Fair Housing Act defines a person with a disability to include an individual with a physical or mental impairment that substantially limits a major life activity, a record of having such impairment, or being regarded as having such impairment.<sup>(1)</sup> This definition is broad and covers a wide range of impairments, regardless of their origin.<sup>(2)</sup> Most importantly, it covers an impairment that limits someone's ability to obtain

or sustain housing opportunities.<sup>(3)</sup> Whether a person has a disability under the Fair Housing Act is a fact-specific question that depends on how their impairment is affecting their activities. Therefore, having a disease is not always a disability per se, although it can be regarded as one for an individual. Many individuals who contract COVID-19 may experience impairments that limit major life activities substantially in various ways, including not being able to walk long distances, go to the grocery store, drive a car, or care for oneself. If someone with the COVID-19 virus has limitations on their mobility or ability to care

for themselves, they may have impairments that have been held to constitute a disability under the Act in other settings.<sup>(4)</sup>

(2) 42 U.S.C. § 3602(h). (3) Schwemm, R., "Housing Discrimination: Law and Litigation," § 11D:2 (2019). (4) Rodriguez v. Village Green Realty, Inc., 788 F.3d 31, 49 (2d Cir. 2015); United States v. S. Mgmt. Corp., 955 F.2d 914, 919 (4th Cir.1992). (5) See e.g., Marriot Senior Living Services, Inc. v. Springfield Tp., 78 F. Supp. 2d 376, 379 n.2 (E.D.Pa. 1999)( though old age itself is not a disability per se, elderly people who can no longer live safely on their own covered under the Act); Casa Marie, Inc. v. Superior Court of Puerto Rico for Dist. Of Arecibo, 752 F. Supp. 1152, 1168 (D.P.R. 1990)(vacated on other grounds)(disability definition covers elderly persons suffering from chronic illnesses or diminished ability to ambulate)



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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.

# *Coalition for Humane Immigrant Rights*

<https://chirla.org/>

~1-888-6CHIRLA~



The Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA) is a California leader with national impact made of diverse immigrant families and individuals who act as agents of social change to achieve a world with freedom of mobility, full human rights, and true participatory democracy. They seek to achieve a just society fully inclusive of immigrants. They organize and serve individuals, institutions and coalitions to build power, transform public opinion, and change policies to achieve full human, civil and labor rights.

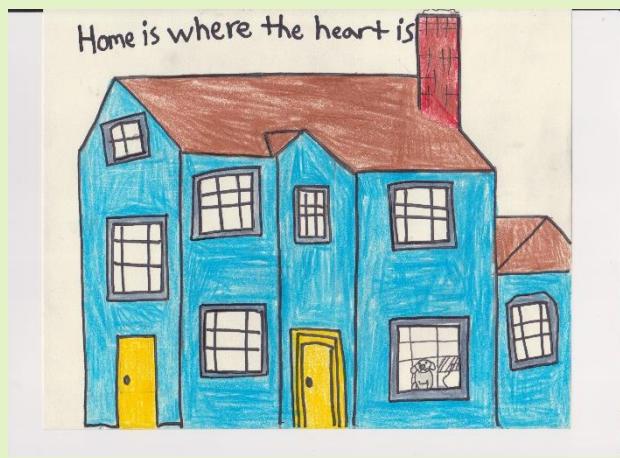
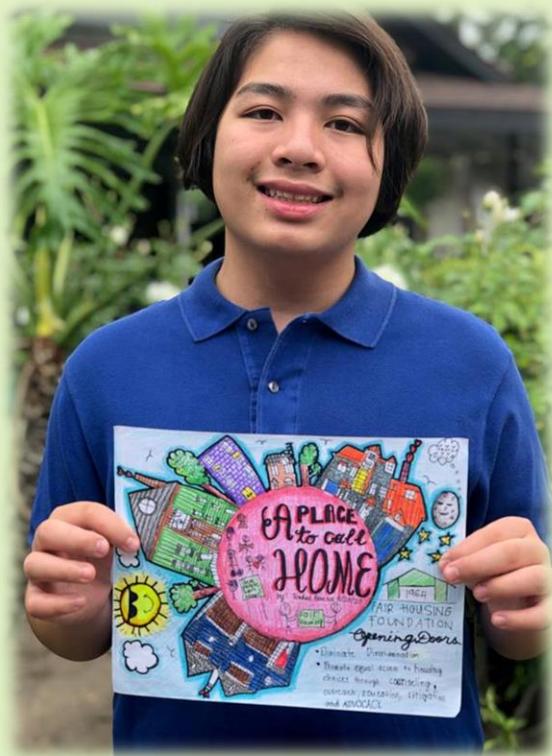
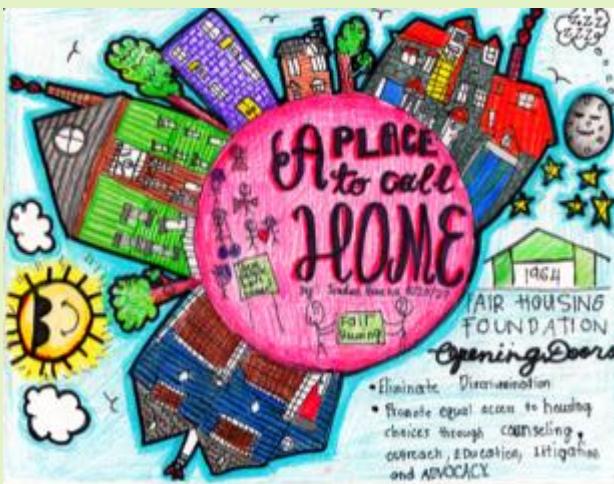
#### **Just a few of the services CHIRLA offers:**

- Help completing forms
- Filings with USCIS
- Immigration Consultations
- DACA Renewal
- Representation before the BIA
- Policy & Advocacy
- Disaster Relief Assistance for Immigrants (DRAI)
- And more.....

SERVICING THE LOS ANGELES &  
ORANGE COUNTY AREAS

CONGRATULATIONS TO THE WINNERS OF THE  
36<sup>TH</sup> ANNUAL FAIR HOUSING POSTER CONTEST.  
HEARTFELT POSTERS BY INCREDIBLE KIDS!

## HOORAY FOR APRIL FAIR HOUSING MONTH 2020



# EXAMPLES OF OUR COMMITMENT TO FAIR HOUSING



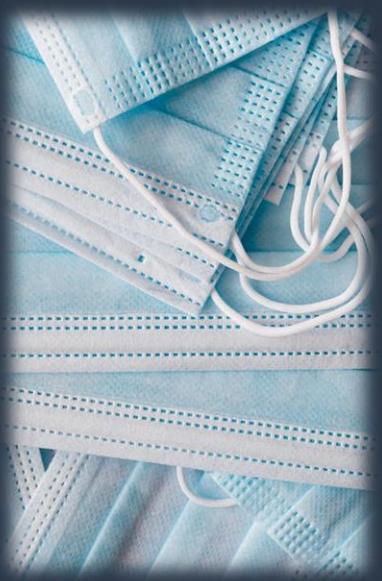
Fair Housing Foundation makes a difference in the lives and homes of Landlords, Tenants, Managers, Realtors, Rental Home Seekers and Owners. These are their real-life experiences.

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

## ***Working Together in a Time of Uncertainty!***

FHF successfully conciliated a reasonable accommodation case. Towards the beginning of 2020, FHF was contacted by a client who is a disabled elderly female. The client suffers from multiple health conditions. She had received a notice to terminate tenancy and FHF made a reasonable accommodation request on her behalf, which had been granted. Her extension was until April 26,

2020. However, due to COVID-19 and the client suffering from a compromised immune system; it was highly recommended by the client's physician to remain in her current residence. With this new information, FHF reached out to the housing provider and the client's request for additional time was approved and now has a move out date of August 26, 2020.



## *Compassion for the Win!*

FHF was contacted by a daughter because her mother had been served with a sixty (60) day notice of termination of tenancy. The reasoning was because the housing provider had listed the property on the market. The mother was extremely concerned that she would need more time. The initial notice of termination of tenancy expired was set to expire on May 9, 2020. The client is diabetic and suffers from various other medical

conditions. The client's physician informed FHF that due to the client's compromised immune system she was at a higher risk to COVID-19. Thus, recommending the client remain in her current residence. FHF wrote a reasonable accommodation letter on the client's behalf and informed the housing provider of the situation and requested just a little more time. The housing provider granted the client an extension till June 21, 2020.



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)

Follow us on:



# COVID-19 & EVICTIONS BY: ELIZABETH CASTRO



These last few months have been trying for many. We have seen how COVID-19 has affected our housing and for others their investments. For now, both landlords and tenants will have to take it one day at a time. While some cities have adopted their own COVID-related eviction ordinances, covering repayment time frames and other guidelines. Others will have to rely on the county or state order to gain some clarity on how to proceed with paying or collecting rent. Please check this link to see if your city has passed an ordinance or moratorium

<https://fairhousingfoundation.com/moratorium-resource-guide/>. For those cities who have not passed an ordinance, they can seek out the guidelines for the county. For example, the incorporated cities within the county of Los Angeles are now allowing for a 12 months repayment time frame, without

the additional late or penalty fees. To find out whether or not you live in an unincorporated area of LA County and this applies to you, please click here <http://lavote.net/apps/precinctmaps> and type in your address. The County of Orange has not adopted their own moratorium regarding evictions. For those group of people who are following the state order, it did expire on 5/31/20, but the governor has encouraged cities to extend their own moratoriums. The state order had no mention of a repayment time frame. Thus, leaving it up to the tenant and landlord to come to an agreement. Please remember, for both parties to exercise their right to utilize this ordinances or moratoriums they will have to be in compliance with its requirements. Another important note to highlight, is that this is a deferment, it does not indicate the rent is forgiven. While many are advocating for that notion, which is only

likely if the landlords obtain some sort of relief. If not, it will be up to any funding the cities receive to ease the stress of repayment. For those with questions regarding evictions, the Judicial Council Emergency Ruling postponed any set hearings for at least 60 days and prevents courts from accepting any eviction cases until 90 days after the State of Emergency is lifted.(1) For countless cities, things are changing rapidly and we highly encourage you stay informed on your city's website or by attending the virtual city council meetings. If you have any questions about your rights as a landlord or tenant, remember Fair Housing Foundation is here to help.

(1) <https://dcba.lacounty.gov/wp-content/uploads/2020/05/Moratorium-One-Pager-5.13.20-1.pdf>

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LEARN MORE ABOUT YOUR RIGHTS  
BY ATTENDING ONE OF OUR  
VIRTUAL WORKSHOPS OR WALK-  
IN CLINICS. PLEASE RSVP [HERE](#)



### Tuesdays

#### Virtual Fair Housing Workshop

Listen to our Housing Counselor present information about COVID-19 and its effect on housing, Federal and State housing laws, and so much more. Workshop takes place via Zoom.

1:30PM - 3:00PM

To RSVP, please visit [www.FHFCA.org](http://www.FHFCA.org)



### Wednesdays

#### Virtual Walk-in Clinics

Our Walk-in Clinics are held via phone or Zoom and will provide an opportunity for you to speak with a housing counselor to discuss any rental housing issues, tenant/landlord disputes, and answer any questions. Schedule a time today! Se habla Español

9:00AM - 4:00PM

Call (800)446-3247 Ext. 1111



### Thursdays

#### Virtual Fair Housing Workshop in Spanish

Escucha a nuestro asesor de vivienda presentar información sobre COVID-19 y su efecto en la vivienda, las leyes federales y estatales de vivienda, y mucho más. El taller se realiza a través de Zoom.

1:30PM - 3:00PM

Para reservaciones visite [www.FHFCA.org](http://www.FHFCA.org)



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

(800)446-3247





## ASK S.A.M

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

*Dear S.A.M.,*

*I've been renting my apartment for about 2 years now. It is just me and my son. One day my landlord text me to see if he could come check my bathroom because there was an issue with the neighbors, and he wanted to be sure. Even though our bathroom was fine at the time, I said sure. He came in by himself (he's not a plumber) and tinkered around for a bit then left. Not more than 15 minutes after he left, our tub backed up with feces from the neighbor. I immediately called him and told him what happened. He told me he would have a plumber out there in the morning. I did not agree but he hung up before I could say anything else. The next morning the plumber came out and it took two days to fix, but the feces was EVERYWHERE and had be tracked back and forth out of the house. My house smelled so bad! I had to stay with family. The owner refused to get it professionally cleaned, so on*

*day 3, I had someone come and clean it. I am deducting it from the rent and let him know that was my plan, but he says he's going to evict me because of it. Can he do that?*

*~Sick to My Stomach {Anaheim, CA}*

*Dear Sick to My Stomach,*

When a tenant has informed the landlord about the needed repair and given them the opportunity to get the problem fixed with no success, the repair and deduct remedy may be considered. The repair and deduct remedy allow tenants to pay to get the repairs done and have them deducted from the rent. The repair should be one that affects the habitability of the unit or poses a health or safety threat to the tenant. Tenants can use this remedy twice a year, but the expense can't be more than one month's rent. Also, the

tenant can't have caused the problem or be a tenant responsibility.

Dear S.A.M.,

*I rent a room out in my house. It is a single-family residence and I live there too. This girl is the only person I rent to and it's been about a year and a couple months. We have a contract and she pays rent. But lately her behavior has become very odd. She goes from being very emotional to raging and then apologizes. She has not been physically aggressive with me yet, but I'm scared that it may happen. I'm an older lady and this isn't what I envisioned when renting out my room. I read something about her being a lodger, but I don't know if that applies here. Please let me know what I can do.*

~ Scared and Confused {Irvine, CA}

Dear Scared and Confused,

A single person who is renting a room in an owner-occupied home and there are no other persons renting is considered a lodger. In that situation, the owner may issue a notice to terminate tenancy to the lodger if they want them to vacate. Once the notice has expired, the lodger would be considered a trespasser and removed as one by the local police.

**The A.S.K. Sam section is for educational purposes only and does not constitute as legal advice. If you have a legal question, please contact your local Legal Aid or an attorney of your choice.**

Dear S.A.M.,

*I am a property manager and manage many properties. During this whole COVID situation, I have had some tenants who have complied with the city order about informing me of their inability to pay rent. In all these cases it's been because they were laid off. Now, I have some tenants who have not followed the same rules and are in limbo refusing to talk to be about anything. Can I start the eviction process for those people? They also didn't pay for June 2020.*

~ Rule-Following Manager {Various Cities, CA}

Dear Rule-Following Manager,

You would first want to check the local jurisdiction to see if they have an eviction moratorium set in place and if the moratorium deadline has been extended. Each jurisdiction is different and specific to their city. It may also indicate repayment guidelines in order to pay back the deferred rent the tenant owes. In the event that the tenant is now in default, the proper 3-Day Notice to Pay Rent or Quit notice could be issued in order to start the eviction process as permitted.





# I THINK YOU ARE THE ONE THEY ARE LOOKING FOR!

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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:

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- ❖ All Races
- ❖ All Ethnicities
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- ❖ All Genders
- ❖ All Orientations

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## 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.



For more information on becoming a tester, please contact Sindy Guzman at [sguzman@fhfca.org](mailto:sguzman@fhfca.org)



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